UNIVERSITY OF PENNSYLVANIA

THE DEVELOPMENT OF THE SYNODICAL POLITY OF THE LUTHERAN CHURCH IN AMERICA, TO 1829

ROBERT FORTENBAUGH

A THESIS

IN HISTORY

PRESENTED TO THE FACULTY OF THE GRADUATE SCHOOL IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR THE DEGREE OF DOCTOR OF PHILOSOPHY

PHILADELPHIA

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PREFACE.

The accompanying dissertation is designed to show the development of the synodical polity of the Lutheran Church in America, to 1829. In the Introduction the importance of the study of the religious life of the United States, and its claim to the right to be chosen as a subject for investigation, are set forth. In Chapter I the European Background of the Lutheran Church is described, with special attention to the contributions of European Christianity in the field of Church Polity. Chapter II is concerned with the Beginnings of the Lutheran Church in America, to 1781, in which year the Constitution of the First Synodical Body was first committed to writing. To this point no claim is made of original investigation. The sources have been largely secondary, of well-recognized authority. Primary sources have also been studied, but this study was for verification rather for the acquisition of new knowledge on the subject.

With Chapter III the work of original investigation begins and all conclusions are based upon the fruits of study of primary source materials. Chapter III describes A Period of District Synodical Organization, Re-Organization, and Development, which extends from 1781 to 1829, with some observations of Development to 1839. Chapter IV describes The First General Synodical Organization which was begun in 1820, the study of which is continued to 1829. In that year this General Organization adopted a complete system of Church Government and Discipline, providing for Congregational, District Synodical, and General Synodical Organization.

Chapter V sets forth Conclusions as to Principles underlying the Development of the Synodical Polity of the Lutheran Church in America, to 1829. In this Chapter not only are conclusions made as to the development of the synodical bodies in isolation, but relations to general social move-

ments in the United States during the period studied are traced out. The importance of the General Synod is established and the work of S. S. Schmucker in his connection with it is described. As a Final Conclusion, there is mentioned, first, the fact that the period under consideration, 1781-1829, was a period of slow growth and painful development in the realm of synodical polity in the Lutheran Church in America. However, the Church became firmly established and strongly organized at length. The spirit of *Eclecticism* was the moving spirit and the directing method for the accomplishment of the purpose. Those who labored in building and developing the Church and her institutions were pioneering and therein is found an explanation of much weakness and laxity, and many mistaken practices charged against them. As a Second Final Conclusion, and this a negative one, is mentioned the fact that it does not appear from the sources studied that the influence of the Frontier, so potent in affecting American institutions, had a *direct* effect upon the development of the synodical polity of the Lutheran Church in America before 1829.

With gratitude the writer takes this occasion to acknowledge helpful suggestions and criticisms which have been valuable in the preparation of this dissertation. The Rev. Professor A. R. Wentz of the Theological Seminary at Gettysburg, Pa., first suggested the subject and has been unsparing in his enthusiastic interest and most helpful in his criticisms. The Rev. Professor Henry Eyster Jacobs of the Lutheran Seminary at Philadelphia, Pa., has most kindly shared his wide and accurate knowledge of the history of the Lutheran Church in America, and has inspired the writer to a firmer confidence in the subject. Professor Albert E. McKinley of the University of Pennsylvania has shown a sympathetic yet critical interest throughout the time of preparation. Mrs. Elsie Singmaster Lewars has generously taken time to read the manuscript and make invaluable suggestions as to style. While this acknowledgment is made it should also be said that those who have

thus been of service are not responsible for errors or other inadequacies; such responsibility the writer cheerfully assumes for himself.

It is a pleasure to acknowledge also, at this time, a debt of gratitude to three outstanding teachers of History from whom the writer has been privileged to receive not only instruction but also inspiration to pursue historical studies. These are Dr. Alexander C. Flick, formerly of Syracuse University, now New York State Historian, and Professors Albert E. McKinley and St. George L. Sioussat of the University of Pennsylvania. To his wife who assisted in translating and in many other ways thanks and gratitude are also due.

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INTRODUCTION.

There has not been accorded to the history of religion in America such exhaustive study, in so careful and scientific a manner, as has been accorded to other phases of the national life. It is true that a wealth of historical writing dealing with the religious life of the country has been produced, but when the quality of this production is compared with that dealing with the political development, for example, it is clear that the interests and efforts of the best-qualified historians have not been directed to the field of history of religion, especially that in the United States.[1]

This thought was doubtless in the mind of J. Franklin Jameson when in his presidential address before the American Historical Association he said, "In every other period of recorded time, we know that the study of religion casts valuable light on many other aspects of history. Why should it be otherwise with the religious history of America? Unless we are content to confine ourselves to the well-worn grooves of constitutional and political history, and to resign to sciences less cautious than history the broad story of American culture, why should we not seek light from every quarter? Most of all let us seek it from the history of American religion, in the sum total an ample record, even though in parts we have to compose it like a mosaic from fragments of unpromising material."[2]

It is to contribute in part to the appeal just set forth, and in part to illumine the internal development of an important section of a great religious communion that the present work is presented.

1 Humphrey, *Nationalism and Religion in America.* Chapt. 1 gives some suggestive observations concerning the treatment of the part played by religion in American history.

2 "The American Acta Sanctorum," in *The American Historical Review,* 13: 286-302.

CHAPTER I.

THE EUROPEAN BACKGROUND.

LUTHER ASSAILS THE ECCLESIASTICAL SYSTEM OF THE ROMAN CHURCH.

The history of the Christian Churches in America can not be understood apart from their European beginnings. This is notably true of the Lutheran Church; it finds the beginnings of its history specifically in the Protestant Reformation.[1] Several years after his work of opposition to the purely spiritual errors of the Roman Church began, Martin Luther came to see very clearly, though sorrowfully, that he must also oppose the ecclesiastical system of the old church. In the Middle Ages there had been asserted, and for the most part successfully maintained in the West, the supremacy of the Roman See and the *jus divinum* of papal authority. On this basis a system for the government of the church had been evolved which was imperial and which claimed, further, to describe the organization which was the sole agent of eternal salvation. Objections, it is true, had previously been made to the presumptions of the Papacy but none resulted in successful opposition until Luther stood forth.[2]

In his first public disputation at Leipsic in 1519 Luther clung to the clause in the Apostles' Creed, "The Communion of Saints," as the authoritative definition of the Church.[3]

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1 Jacobs, *A History of the Evangelical Lutheran Church in the U. S.*, 2.

2 Luther, *Von den Conciliis and Kirchen;* Jacobs, "Notes on Kirchen-Regiment by Th. Harnack," 27-34; Richard, "Lectures on Church Polity," 26-32.

3 Lowrie, *The Church and Its Organization*, 34; Koestlin, *The Theology of Luther*, 2:538. But Luther also defended the "catholicity" of Huss' definition, viz: "the Church is the totality of the predestinate," see Jacobs, C. M., "The Development of Luther's Doctrine of the Church," in *The Lutheran Church Review*, 34:203-13. For a full statement of Luther's view of the church see Koestlin, *op. cit.*,

It exists and can exist only where the gospel is rightly preached and the sacraments properly administered. These are the outward signs by which the Church is to be recognized. To Luther the Word of God was everything in ecclesiastical organization. "Wherever the gospel is, there —da—must also be a Holy Christian Church."[4] As the reformatory movement enlarged others came to accept his views and the idea that the Roman Church was not the exclusive agent of salvation all those who opposed it were in agreement in asserting.[5] For since those in opposition had been cast out of the Church, if the Church's contention was admitted they would then be without hope of salvation.

THE FIRST ORGANIZATIONS IN OPPOSITION TO THE AUTHORITY OF THE ROMAN CHURCH.

To meet the religious needs of those who followed the Reformers steps were taken to organize groups for worship and for confirmation in the faith. Luther gave advice when called upon, but it must be understood that he was not primarily interested in the formalities of organization, nor did his genius express itself in that direction.[6]

2:538-72; Jacobs, C. M., "The Genesis of Luther's Doctrine of the Church," in *The Lutheran Church Review,* 34:141-152; "The Office of Over-Sight in the Lutheran Church," *Appendix to the Minutes of the Ministerium of Pennsylvania for 1892.*

4 The full quotation is, "Denn wo das Evangelion gepredigt wird, und die Sacrament recht gebraucht, da ist die heilig christliche Kirche; und sie ist nicht mit Gesetzen und aeusserlicher Pracht an Staett und Zeit, an Person und Geberde gebunden." *Dr. Martin Luther's deutsche Schriften..* Erlangen-Frankfurter Ausgabe, 24:343.

5 Lowrie, *op. cit.,* 33; Troeltsch, *Protestantism and Progress,* 102.

6 Koestlin, *op. cit.,* 571, 2, "The peculiar mission of Luther, however, does not lie at all within the sphere of concrete, practical organization. His great fundamental principles as to the nature of the Church....still stand out in their full force and unclouded light." Lindsay, *A History of the Reformation,* 1:403, "Luther was as indifferent to forms of Church government as John Wesley, and, like Wesley, every step he took in providing for a separate organization was forced upon him as a practical necessity. To the very last he cherished the hope that there might be no need for any great change in the established government of the Church. He had no desire to make changes for the sake of change."

Two conceptions lay at the basis of everything which he said or did in relation to the organization of the Christian fellowship into churches. The first of these was that of the Spiritual Priesthood of all Believers;[7] the second was the idea that the secular government is ordained by God and that no person or agency may supersede it. He therefore held that the Christian magistracy might well represent the Christian community, and, in its name or associated with it, might undertake the organization and superintendence of the Church.[8]

Luther indeed counselled with the people on the matter of organization and in 1523 wrote to the Senate of Prague which had asked for instructions for forming a church organization in complete separation from the Papal See.[9]

> First prepare yourselves by prayer, and then assemble together in God's name and proceed to the election. Let the most eminent and respected among you lay their hands with good courage on the chosen candidates, and, when this has taken place in several parishes, let the pastors have a right to elect a head or superintendent to visit them, as Peter visited the first Christian communities.

Such ideas are said to have been popular and widely diffused at that time in Germany and Switzerland.[10] Illus-

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7 Sehling, "Church Government," in *The New Schaff-Herzog Encyclopedia of Religious Knowledge*, III:95; Richard, *op. cit.*, 14. Compare "An Open Letter to the Christian Nobility of the German Nation," in *Works of Martin Luther*, Philadelphia Edition, II:61 ff.; Walther, *Kirche und Amt*, 194 ff.

8 Lindsay, *op. cit.*, 1:400-1; Decker, "Luther's Theory of the Right of the Temporal Authorities to Reform the Church," in *The Lutheran Church Review*, 37: 334-63; Jacobs, "Notes on Kirchen-Regiment," 15-17. It should be remembered that Luther's word, "Obrigkeit," which is imperfectly translated as "government," was to Luther a *personal* thing, whether represented by an individual, e. g., Philip of Hesse, or by a group, e. g., the Senate of Prague. This "Obrigkeit" was divinely ordained and thus had an authority which man could not take away from it. (Suggested by C. M. Jacobs in a personal interview).

9 Von Ranke, *History of the Reformation in Germany*, 459; "De Instituendis Ministris Ecclesiae; ad clarissimum Senatum Pragensem Boemiae, Martinus Lutherus," in Volume 2, *Jena Edition*, 545 ff. Koestlin, *op. cit.*, 549, says that the expression of Luther to the Senate of Prague is in accord with his common view.

10 Ranke, *op. cit., in loco.*

trations of other instances of the formulation of regulations for Christian communities are: the Wittenberg Ordinances, 1522; the Ordinances of Leisnig, 1523, and Magdeburg, 1524.

All three are examples of the local authority within a small community, endeavoring, at the prompting of preachers and people, to express in definite regulations some of the demands of the new evangelical life. Luther himself thought these earlier regulations premature, and insisted that the Wittenberg be cancelled. He knew that changes must come; but he hoped to see them make their way gradually.[11]

In the earlier period of the Reformation Luther expressed himself in the same manner as a general rule, but

the fullest and maturest statement, however, of Luther's views concerning the Church is found in that important treatise published in June, 1520, under the title, 'Concerning Popery at Rome Against the Famous Romanist at Leipsic.'[12]

In this, in substance, he explains to the laymen what Christianity really is and unfolds to them the essence of the Christian Church. However, if he attacks the supremacy of the outer organization of the Roman Church, he just as forcibly disputes the supremacy of man's own inner thinking, and sets up the Scriptures as the supreme and only authoritative rule of faith, according to which church organizations must be adapted.[13]

THE PROPOSAL AT THE SYNOD OF HOMBERG AND LUTHER'S ATTITUDE TOWARD IT.

Had these principles become universally adopted there would have thus early arisen in Germany a democratic church. Indeed a proposal to establish a church founded

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11 Lindsay, *op. cit.*, 401, 2.
12 Spaeth, "Luther's Doctrine of the Church," in *The Lutheran Church Review*, 6:279-80.
13 *Works of Martin Luther, Philadelphia Edition*, I:329-94. Jacobs, "Notes on Kirchen-Regiment," 37-40.

on them was made by the Landgrave Philip of Hesse, the same to be set up in his principality, at the Synod of Homberg in 1526. In this matter Philip was influenced by Francis Lambert, a Frenchman from Avignon, a Franciscan who had been converted to Protestantism. Under the proposed arrangement the Gospel was to be preached in every place and then churches were to be organized to consist of true believers, with a common agreement among the churches on certain rules of discipline. A territorial church was thus to be set up which was to choose its own pastors, who were to be called bishops. Self-government was to be exercised by the churches in all matters. Each year a Synod was to be held at which each church was to be represented by its bishops and certain delegates. At the Synod general business was to be considered. At each meeting of the body three visitors were to be chosen to investigate the condition of each church. "The plan may be described as the Congregational System with an infusion of Presbyterian elements."[14] Rank says concerning this,[15]

> The ideas are the same on which the French, Scotch, and American Churches were afterward founded, and indeed on which the existence and development of North America may truly be said to rest. Their historical importance are beyond all calculation. We trace them in the very first attempt at the constitution of a church; they were adopted by a small German Synod.

But these ideas were never put into effect and largely because of Luther's attitude toward them and the plan which they underlay. However, it must be kept clearly in mind, his objection were all of a practical nature; he had no scriptural or traditional scruples.[16] He desired that the temporal rulers should retain control of the churches as those most suited to control, and because of their obligations as rulers.[17] This was in perfect accord with his whole view of

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14 Fisher, *The Reformation*, 415.
15 *Op. cit.*, 461.
16 Sehling, *op. cit.*, 94.
17 *Ibid*: "the Reformers themselves accounted the government's position not so much a source of rights as a sum of obligations the government was to fulfill."

popular participation in public affairs, and in accord with the commonly accepted principles of the day. Luther, here as in the Peasants' Revolt, failed to see grounds for confidence in the qualifications of the common people.

SECULAR RULERS ARE GIVEN CONTROL OF THE CHURCH IN GERMANY.

The Lutheran Church in Germany was accordingly organized under the control of the leaders of the various principalities. The lead in this movement was taken in Electoral Saxony under the leadership of Luther himself. The Diet of Speyer in 1526 gave the evangelical princes and towns the right to order public worship and ecclesiastical organization within their own domains.[18] In this connection Luther advised the Elector of Saxony to conduct a careful visitation in order to find out the state of affairs in his own territory, but in answer to correspondents he made it plain that as much local freedom as possible should be allowed, and that each community should find out what suited it best.[19] For this visitation the land was divided into districts and the Visitors then appointed were allowed to remain as a "primitive evangelical consistory" in order to supervise their districts. A pastor, called a superintendent, was appointed in each of the four districts or "circles" into which Saxony had been divided for the purpose of the Visitation, and these were to act with the magistracy in all ecclesiastical matters.[20] This arrangement was widely adopted in Germany.

The arrangement whereby the secular rulers became also the heads of the churches in their respective principalities

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18 Jacobs, "Notes on Kirchen-Regiment," 14, 15; Lindsay, *op. cit.*, I:404.

19 *Ibid.*

20 *Ibid.*, 406-11. It was later pointed out by the visitors that hitherto no arrangement had been made to give the whole ecclesiastical administration in the principality one central authority. Though the Electoral Prince was recognized as the supreme ruler he could not supervise everything efficiently. Consequently consistorial courts were set up. *Ibid.*, 412-5.

thus came to be the form of organization which Luther approved.[21] Yet again it ought to be said that this was not to him a matter of vital importance, and emphasizes that the Lutheran theory of church government, and this history was borne out, is that the form is variable according to the conditions and circumstances of the various times and places.

VIEWS OF CHURCH POLITY AS EXPRESSED IN THE CONFESSIONS.

Important as Luther's views are rightly held to be in all matters in connection with the Lutheran Church, it is however to the Confessions of the Church that one ought to go in order to find the definite and accepted principles and doctrines. These Lutheran Confessional writings set forth the Lutheran principles of church polity with clarity and finality.

Article Seven of the Augsburg Confession[22] lays down the general principle of the church:

> Also they teach, that one holy church is to continue forever. But Church is the congregation of saints, in which the Gospel is rightly taught and the Sacraments rightly administered. And unto the true unity of the Church, it is sufficient to agree concerning the doctrine of the Gospel and the administration of the Sacraments. Nor is it necessary that human traditions, rites, or ceremonies instituted by men, should be alike everywhere, as St. Paul saith, 'There is one faith, one baptism, one God and Father of all.'

This is, as has been shown, in perfect accord with Luther's common teaching. Articles Eight and Fourteen of the Augustana are not generally regarded as basic statements of church polity.

It is held on good authority that the principles of Luth-

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21 For a summary of Luther's view, Koestlin, *op. cit.*, 2:562-71; a late statement of Luther is in his *Von den Conciliis und Kirchen*, cited by Decker, *op. cit.*, 37:340. Luther's views are also expressed in the Catechisms.

22 Jacobs, (Ed.) *The Book of Concord*, 1:39.

eran Church Polity are outlined specifically in Article Twenty-Eight of the *Augustana* and in Melanchthon's Appendix to the Smalkald Articles.[23]

Article Twenty-Eight, of "Ecclesiastical Power," [24] is one of the articles presented in the Confession in which are enumerated abuses corrected by the Confessors. It sets forth plainly and firmly that the "bishops have no power to ordain anything contrary to the Gospel," and while it definitely says that the intention is not to take the rule from the bishops, this is made contingent upon their suffering the Gospel to be purely taught, and upon the relaxation of certain observances. For "if they will remit none, let them look how they will give account to God for this, that by their obstinacy they afford cause of schism." In other words, it is said, that bishops may continue in office and to have power and rule so long as the people of the church are satisfied that they are proceeding accordingly to the Scriptures. This, of course, was a direct blow at the *jus divinum* of bishops, which was logically carried on to papal supremacy by divine right. Here, then, the *Confession* is in complete accord with Luther as to ecclesiastical power. The Lutheran idea was that the Word of God should be preached, that some office must be created for this preaching, and that some organization for which there was no divinely ordained form must be set up to care for these needs.[25]

The Smalkald Articles were written and presented by a body of theologians assembled at Smalkald in 1537. In Article Twelve,[26] "Of The Church," the essential elements of the Holy Christian Church are again set forth as the Word of God and the true faith, and other and additional marks of the Church are denied to be essential as beyond Holy Scripture. In the Appendix, "Of the Power and Primacy

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23 Jacobs, "Church Polity," in *The Lutheran Cyclopedia*, 102 ff.
24 Jacobs, *The Book of Concord*, 1:63 ff.
25 Harnack, A., "Organization of the Early Church," in *The New Schaff-Herzog Encyclopedia of Religious Knowledge*, 8:267.
26 Jacobs, *The Book of Concord*, 1:334-5.

of the Pope,"[27] there is to be found a complete and sweeping denial of the claims of the papacy or of any order of persons to have dominion over the Church, but as the Church determines, according to the Word.[28]

THE VIEWS OF ZWINGLI AND CALVIN.

While not so important to subject here mention at least should be made of the views of Zwingli and Calvin, reformers of great importance.[29] In Zurich, Zwingli saw, as Luther had seen, that the body of the people was not prepared for self-government in ecclesiastical matters and accordingly he committed their control to the Great Council which governed the city politically and which was considered to represent the ecclesiastical as well as the civil community.[30] The Zurich arrangement in all its essential characteristics was adopted by the other Swiss Cantons.[31] Calvin's doctrine of the constitution of the Church and its relation to the State was set forth in his "Institutes."[32]. His idea was that the Church should be the official conscience of the State; he thought of a theocracy. He presented the presbyterian system of which some description will be given later. At this point it is enough to say that it was presented as a divinely-ordained system.[33]

It is of more practical value to the purpose here to inquire as to the forms of organization of the churches which followed after the theories and doctrines before described.

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27 *Ibid.*, 338-52.
28 Richard, *op. cit.*, 17, 8.
29 Lowrie, *op. cit.*, 42-60; Krauth, "Church Polity," in *The Lutheran Church Review*, 2:330-1.
30 Gieseler, *A Text Book of Church History*, 4:533.
31 Fisher, *op. cit.*, 416, 7.
32 Calvin, *Institutes of the Christian Religion*, Book 4: Chapters 1-5, 11, 12.
33 Fisher, *op. cit.*, 417-20; Sehling, *op. cit.*, 92-96; Krauth, *op. cit.*, 331-3.

FORMS OF CHURCH ORGANIZATIONS IN EUROPE WHICH INFLUENCED THE FORM OF THE AMERICAN LUTHERAN CHURCH.

IN LUTHERAN GERMANY.

In Lutheran Germany, by virtue of the decree of the Diet of Speyer (1529,) there developed a State Church polity, and the institution of the Superintendent became a fundamental feature.[34]. The princes were given the controlling position not because they were considered higher in grace or right by divine grant but because as the most influential members of the Church theirs was the greater responsibility. The common view-point of the day was aristocratic; one can hardly expect anything different in the constitution of the churches when the established order of the State is remembered. True, the Anabaptists of all kinds were opposed to such an establishment but it must be remembered that they were dissatisfied with the whole state of affairs and were revolutionary in all their attitudes. The organization of the religious life among them, when they had such an organization, was that of an uninfluential and revolting minority.[35].

Out of the system of princely prerogative in Germany there were elaborated three systems as the years went by.[36] First, there was the *Episcopal System,* which persisted throughout the whole period of Lutheran Orthodoxy. The prince was the *Summus Episcopus, pro tempore,* by virtue of his secular office.[37] Secondly, there was the *Territorial System* controlled by the idea that the chief end of ecclesiastical government was the maintenance of Peace. This came to be Caesaro-Papacy or the absolute control of the church by the rulers by natural right, for it was believed that the True Church was invisible, while the Church on its visible side was a purely human institution and hence to

34 *Ibid.*, 320-6.
35 But for influence later exerted, see Troeltsch, *op. cit.*, 104 ff.
36 Krauth, *op. cit.*, 326-9; Richard, *op. cit.*, 32-4; Jacobs, "Notes on Kirchen-Regiment," 21-5.
37 Lowrie, *op. cit.*, 40, footnote 10.

be governed like all human corporations. Thirdly, there was the *Collegial System* which held that the Church was under no other authority than the will of its members and by their agreement everything was to be determined.[38]

Under all these systems, the practical determination of all questions was in the hands of a consistorium appointed by the ruler, consisting of theologians and jurists, and acting through superintendents, who, either themselves or through appointed visitors, closely inspected the congregations, pastors, candidates, schools, and institutions of mercy.[39]

IN THE CALVINISTIC CHURCHES.

As stated before, Zwingli had adopted the system of state control in Zurich. But the Reformed Branch of the Protestant Church rather followed Calvin than Zwingli. Hostility of the government in France to the movement for reform complicated the organization of the Church in that country.[40] It was compelled to organize as an independent association. Calvin's polity, however, was most completely worked out in Geneva and it represented a subordination of the State to the Church. In this respect his reforms were thorough and consciously social and political, as well as religious.[41] Upon Calvin's second entry into the city, in 1541, the Council resolved to give the Church of the city a constitution. After much opposition and subsequent revision the famous *Ordonnances Ecclesiastiques de Geneve* in their first form was produced. They assumed their final form in 1561. It must not, however, be assumed that Calvin's reentry into the city was immediately to give him mastery there. Years were to elapse—1541-55—before his period

38 Jacobs, "Church Polity," in *Lutheran Cyclopedia*, 102 ff; Fisher, *op. cit.*, 415, 6; Sehling, "Collegialism," and "Territorialism," in *The New Schaff-Herzog Encyclopedia of Religious Knowledge*, 3:159-60; 11:303.

39 Jacobs, *A History of the Evangelical Lutheran Church in the United States*, 14.

40 Gieseler, *op. cit.*, 4:538, 9.

41 Smith, *The Age of the Reformation*, 247.

of triumph may be said to have begun, and even then he was never able to put fully into effect his ideas of an ecclesiastical organization. This was indeed done in the Protestant Church of France. But when the *Ordonnances* of 1541 are compared with his ideas as set forth in the "Institutes," and with the later developments in Genera, one can see that he sacrificed a great deal in order to satisfy the magistrates of Geneva.[42]

Following Calvin's tenets the church organization as described in the Acts of the Apostles and in the Pastoral Epistles was adopted as of divine ordination.[43] This embraced the combination of two classes of "elders," the ruling and the teaching elders, who constituted the governing body of the congregation, the consistory—Kirk Session in Scotland. These congregations sent delegates from the consistories, both of the ruling and teaching eldership, to make up Synods, through whose agency the corresponding church circuit was governed. In the French Evangelical Church there was also a General Synod; in Scotland, a General Assembly. This is but a brief description of the essential features of the Reformed Church government, which description is included here because of the occasional influence of the system upon Lutheran polity.[44] In some countries where the Lutheran Church has come into close contact with the Reformed it has received important modifications as a result of the contact. Thus the synodical form of government for the church is a Reformed contribution to church polity, for while the Lutheran Church in Germany had synods they were rather meetings for the receiving of instructions from the superintendents than for the decision of church business.[45]

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42 Lindsay, *op. cit.*, 2:127, 8.
43 Troeltsch, *op. cit.*, 102, 3; Friedburg, *Lehrbuch des Katholischen und Evangelischen Kirchenrechts*, 54, 5.
44 Sehling, *op. cit.*, 3:92-96.
45 Jacobs, *A History of the Evangelical Lutheran Church in the United States*, 14.

IN HOLLAND.

It is important that a more careful study be given to the constitution of both the Lutheran and the Reformed Churches in Holland, for from this source has come much of the influence which shaped the American Lutheran Polity.[46]

Luther's work of reform found immediate sympathy in Holland. Persecution followed but the new ideas spread even as the persecution continued. As is so often the case persecution led to excesses and the excesses of the Anabaptists did more to injure the Lutheran cause than did the efforts at persecution. It is claimed that Lutheran congregations began to be formed as early as 1528 but Lutheranism remained merely a name for a "powerful tendency" for a time before it was brought into organized form. It was not long until Calvinism came to supersede Lutheranism in Holland, for Lutheranism did not offer to the most radical the degree of antagonism to Rome which they desired. Linguistic reasons also entered in. The struggle for position continued until in 1561 the antagonism crystallized in the *Belgic Confession* which was directed not only against Rome, but also against the Augsburg Confession. The Lutherans were then in a decided minority. In 1583 Calvinism was triumphant in all the United Provinces.

The first Lutheran congregation organized under the *Augsburg Confession* was formed in Woerden in 1566. In the next year a congregation was known of in Antwerp and it had appointed elders. The feeling between the Reformed and the Lutherans at this time was bitter because the Lutherans insisted upon a moderate course with respect to the magistrates when the Duke of Alva was active in his purpose to exterminate all Protestants in the land. For this

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46 What is said on this point is largely after Schmucker, B.M., "The Organization of the Congregation in the Early Lutheran Churches in America," in *The Lutheran Church Review*, 6:197 ff; and Jacobs, *A History of the Evangelical Lutheran Church in the United States*, 21-45. Jacobs is taken from Brandt, *History of the Reformaton and Other Ecclesiastical Transactions in and about the Low Countries.*

reason the Lutherans received privileges which were denied to the Reformed. During this whole time William of Orange was urging a union of the two groups for political reasons. His efforts were in vain.

When the danger from Spain was passed and the Northern Provinces had secured religious freedom, the struggle of Lutheranism for existence was not over. In the Synod of Amsterdam in January, 1600 it was resolved "that the ministers should lay before the magistrates an account of the places where Lutherans met, with reasons for suppressing the conventicles."[47] This Reformed Synod continued to harass the Lutherans, but in a few years it allowed religious services to them on the condition that they hold them at hours which would give the least offence and scandal to the Reformed. But the pastor was informed that if the rule was not strictly observed, they would be placed on the same footing with the rest of the towns of Holland and West Friesland where no other religion than the Reformed was allowed.[48] The antagonism continued and in instances which could be multiplied it can be seen to have been active, although it is claimed that it was, "more annoying than formidable."[49] All through this period the large congregation at Amsterdam was active and a long succession of pastors, who had been trained in Germany, labored effectively, though quietly, among the people.

William of Orange and the States-General, influenced by the Calvinistic form of church government, framed the regulations for the government of the churches in Holland according to the *Ecclesiastical Laws of 1577.* These prevailed in the Lutheran as well as in the Reformed Churches. Here is an important source of certain features of American Lutheran Church government which came through the Dutch Lutherans who settled in New York and the German Reformed who settled in Pennsylvania. Under these Laws, four classes of officers were provided for: pastors, doctors

47 Brandt, *op. cit.*, 2:15.
48 *Ibid.*, 16, 7.
49 Jacobs, *op. cit.*, 35.

or professors of theology, elders, and deacons. Aside from attention to certain regulations for the conduct of worship, administration of the sacraments, education, etc., special note ought to be taken of the following. A proper call to the ministry was required and a minister elected to a congregation had to submit to an examination before the elders of the church. The ministers of every town were to hold a pastoral conference every two weeks for common improvement. All dissensions between ministers were to be settled by the ministers themselves when possible; if not, by the elders; if these were unsuccessful, by the magistrate. Annual visitations were to be made throughout the country churches by two elders and one or two ministers of every capitol town. The lay eldership was established thus,

> The magistrates of every place shall choose from among themselves more or fewer persons, according to religion, in order to assist the inexperienced in the business of religion, in order to assist the pastors in church affairs, and to be present at their meetings, to the end that, if anything be transacted there of which the government ought to be informed, they may give an account of it, and do such things as the law has annexed to their office.

Deacons to assist the poor were also provided for.[50] With the exception of doctrine the Lutheran Church in Holland was in all respects like the Reformed.

In Amsterdam two church buildings and six ministers served one congregation of 30,000 souls. This congregation bore the burden of the support of the Lutheran Church throughout the whole country, and so must have profoundly affected their constitutions. The congregation at Leyden with 700 members and two ministers ranked second in importance.

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50 Brandt, *op. cit.*, 1:318-22. Benthem, *Condition of the Churches and Schools of Holland*, published in the latter part of the 17th century sets forth in full the regulations of the Lutheran Church in that country.

THE CONSTITUTION OF THE LUTHERAN CHURCH IN AMSTERDAM.

The Constitution of the Lutheran Church in Amsterdam, originally adopted in 1597, revised in 1614, and accepted as the general constitution for the Lutheran Churches in the Netherlands in 1644, bore the title,

> Kerkelijke Ordonnantie, for the government, in the doctrines of the Divine Word, administration of the Sacraments and other matters pertaining to the administration of the Church, of the Congregation and Church at Amsterdam, which assembles in a house and adheres to the genuine unaltered Augsburg Confession, prepared and published by the Ministers and Deputies there, in the year of Christ 1597.[51]

In 1682 it was materially changed and brought to its final shape.

The Constitution is divided into two parts of which a summary follows. Part I, Chapter 1. Of Doctrine. *The Book of Concord*, as now known, is laid down as the doctrinal basis. Chapter 2. Times and Places of Assemblage for Preaching. Chapter 3. Of Sacrament of Holy Baptism. Chapter 4. Of Sermon of Repentance and the Absolution before the Lord's Supper. Chapter 5. Of the Administration of the same. Chapter 6. Of Christian Discipline and the Ban. Chapter 7. Of Marriage. Chapter 8. Of the Visitation of the Sick and the Poor. Chapter 9. Of the Burial of the Dead. Part II,

> The Christelijcke Ordonnantie of the Congregation in Amsterdam, of the Conventu Ecclesiastico or Consistory, of the Calling, Office, Ministrations of the Preachers, Deputies [Deputy Elders 1682] and Deacons.[52]

Chapter 1. Of the Consistory. To this belong the Preachers, the Deputy Elders, and such other persons as by usage of the Congregation are called thereto. The oldest Pastor

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51 Schmucker, *op. cit.*, 199 ff.
52 *Ibid.*, 200.

is to preside. He or the oldest Elder shall present business, call on each for an opinion, and take the vote. In matters of doctrine, the Pastors alone decided, (1682, after consultation with the Elders;) in matters of government, the majority. In matters of great importance, all former Elders and also the Deacons shall decide. Occasions of discipline of Preachers, Elders, Deacons, and other members are subject to action by the Consistory. Chapter 2. Of the Call, Office, Duties, Salary, and Dismissal of Preachers. The Call consists of nomination and election by Preachers, Deputy and former Elders, Ruling Deacons and former Deacons. Chapter 3. Of the Call and Office of Deputy Elders. Preachers, Elders, and Deacons select twice the number to be elected, whose names are presented to the congregation. Preachers, former Elders, Deacons, former Deacons, and contributing members, in this order, present their votes, those who receive most votes being elected. Elders are installed, after promises, with the laying on of hands and prayer. Their duties are: to watch that the Word be purely preached, sacraments administered as Christ commanded, and constitution observed; that salaries are promptly paid; to see that all sin, shame, and offence be avoided in the congregation; to keep accurate account of all expenditures; after terms expire to attend the Consistory when called; to carry out all measures taken by their predecessors; on all festive and Sunday services to stand at the church door with plates to receive offerings for use of the church. Chapter 4. Of the Call, Office and Duties of the Deacons. They are elected and installed in the same manner as the Elders. Their duties are: To collect offerings at the church door for the poor, and keep an account of the same; to annually visit families of the Congregation and receive their offerings for the poor; to call upon distinguished Lutherans who are visiting in the community and ask an offering for the poor; to receive all legacies intended for the poor; to use and apply all these offerings for the benefit of the poor; and to keep and account for all these

receipts. Then follow full directions for the care and relief of the poor, the needy, the stranger, in a thoroughly organized system. Therefore the Deacons have nothing to do with the general affairs of the congregation but are concerned solely with the care of the poor and needy. Chapter 5. Of the Office and Duties of the Comforter of the Sick, and the Sexton—a two-fold office. Chapter 6. Of the Obligations of the Congregation to its Preachers, Elders, and Deacons. Chapter 7. Rules for Those who Receive Alms of the Congregations. In the Articles by which the Preachers of the Augsburg Confession in Amsterdam were called and by which they were to be governed, adopted in 1607, the statements of doctrine as given in the Constitution are repeated, but an additional provision commands that the use of the Sacraments and Ministrations of the Church are to be withheld from certain groups, namely, Papists, Calvinists, Anabaptists, etc., who are said to be dangerous to the faithful.

Of this Constitution Schmucker says,[53]

> This Amsterdam constitution is one of the most carefully prepared, well-digested instruments of the kind ever produced, very full in all needed provisions for the administration of the affairs of the congregation, and pervaded by a devout spirit; sound in the faith and watchful of the life of Pastors, Officers, and members. It well deserves the prominent place it holds among the sources of Lutheran organization in the New World.

IN ENGLAND.

By way of another stream of immigration the Lutheran Church of America was affected by European practices of the time. This was through the stream of those who came through London or in some other way had been influenced by the Constitution of St. Mary's Church, Savoy, London. St. Mary's was organized in 1692 by the members of the

53 *Ibid.*, 202.

older Hamburg Church who lived west of Temple Bar.[54] They secured the use of Savoy Chapel, consecrated in 1694, and known as St. Mary's, Savoy. This became the spiritual home of all the Germans in London; they looked upon it as the representative church. Its first pastor was M. Irenaeus Crusius during whose pastorate the constitution was adopted—1695.

The preface says, 'We, the present Pastor and Deputy Vorsteher, have taken the Kirchenordnung used by our brethren in Holland, have caused it to be translated into German, and, except for urgent reasons have altered nothing therein, in order that our unity might the more clearly appear.'[55]

The Constitution is divided into two parts, the first containing the Kirchenordnung; the second containing the Order of Service. The part containing the Kirchenordnung, as the preface states, was taken almost exactly from the Amsterdam Order, only a few minor changes having been made. The Second Part differs greatly from the Amsterdam Order, the chief differences being that there was but one class of lay officers, Vorsteher, to whom all the duties of Elders and Deacons in the Amsterdam Church were committed; no comforter of the sick, only a sexton; contributing members have part in the election of the Pastor as well as in that of Vorsteher; there is no Consistory but simply a meeting of the Vorsteher at which the Pastor does not preside, and at which he probably is not even present. With these differences allowed, the very words of the *Amsterdam Book* are used.

IN SWEDEN.

Thus have been described the important European practices in church organization and administration among

54 Burckhardt, *Kirchen-Geschichte der Deutschen Gemeinden in London*, gives a full description of the whole matter of the Lutheran Churches in London; Sachse, "The Genesis of the German Lutheran Church in the Land of Penn," in *The Lutheran Church Review*, 16:60 ff.

55 Schmucker, *op. cit.*, 202, 3.

the Lutherans of the day which came to be used by the organizers of the Lutheran Churches in America. There were, however, several other sources from which inspiration and example may have been drawn and which therefore should be mentioned. First, there was the Church of Sweden.[56] The Reformation in Sweden began with the King, and he stopped at nothing until he had brought about a complete reformation in worship and doctrine and administration. The Church has not been bound to any single form of church government but has evolved a combination of elements belonging to various forms. It is at once congregational, presbyterial, and episcopalian. It has retained what has been thought by some[57] to have been a pre-Christian usage in the regulation of the temporal affairs in each parish by an assembly of voting members, under the presidency of the Pastor. This assembly has nothing to do with the teaching or worship or discipline. In order to guard against excessive centralization there are in each parish several administrative boards, of which the Church Council is the most important. This originated at the instance of the pastors for lay participation in disciplinary cases, and was legally sanctioned in 1650 and 1675. Another board, of pre-Reformation origin, aids the Pastor in the financial matters of the parish; while a third board has charge of the schools. As to the general administration of the Church the law of 1686 said, "The oversight, care, and protection of the church and congregation of God in Sweden are intrusted by God to the King."[58]

The king's power, however, is limited not only by an oath pledging him to the *Confession,* but also by the recognition that all matters pertaining to the essentials in worship, church controversies, and church discipline are beyond his sphere. The Reichstag, convening at least every three years, decides, in connection with the king, the most im-

56 Wordsworth, *The National Church of Sweden;* Jacobs, *op. cit.,* Chapter 3.
57 *Ibid.,* 74.
58 *Ibid.,* 76.

portant church matters as prescribed by church law. In this assembly are representatives of the four estates—the nobility, the clergy, the citizens, and the peasants. The king has full oversight of the congregations and exercises it partly through the "Minister of Worship," and partly also through the bishops and consistories.

> The Church in Sweden has no other general representation than that of the State... the idea of a state church, or the close union of Church and State, is realized there almost to the extreme, nevertheless not without especial balance of power, for the maintenance of church freedom.[59]

The diocesan consistories occupy an important place, their decision in certain cases being necessary before a matter can be laid before the king. The episcopacy has been retained but the bishop corresponds rather to the superintendents in Germany than to Anglican bishops. No special order has been claimed for the bishops, although "apostolic succession" has been maintained. But in this no peculiar virtue is understood to be given.[60] The dioceses are divided into districts under the care of "provosts" who act as administrators under the bishops and the consistories.

DIVERSITY IN GERMANY.

It has already been suggested that not all of the principalities in Germany had like arrangements for administration of church government. Generally speaking the following description sets forth the more common arrangement.

> The supreme civil rulers of every Lutheran State are clothed also with dignity, and perform the functions of supremacy in the Church. The very essence of civil government seems manifestly to point out the necessity of investing the sovereign with this spiritual supremacy, and the tacit consent of the Lutheran Churches has confirmed the dictates of wise policy in this respect,.... The councils, or societies,

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59 Quoted in Jacobs, *op. cit.*, 76, 7.
60 Krauth, *The Conservative Reformation and Its Theology*, 153.

appointed by the sovereign to watch over the interests of the Church, and to govern and direct its affairs, are composed of persons versed in the knowledge both of civil and ecclesiastical law, and, according to a very ancient denomination, are called consistories.[61]

But there were some exceptions which are important to be noted.[62] That within the territory of the Margravate of Brandenburg presented a most extraordinary instance.[63] In the Duchies of Cleve, Julich, and Berg,[64] the Presbyterians or Reformed from the Netherlands, coming as refugees, had secured a full, self-governing presbyterial system in the congregation, classis, and synod. Under this influence the Lutheran Church in these areas had also adopted the same system. The Lutheran *Kirchenordnung* in force in the first half of the 18th century says, "Each congregation shall have its own Elders and Vorsteher, who with the Pastors of the place constitute a Presbytery or Consistory."[65] There were to be four to six elders, one half elected each year by the Presbytery. Those going out of office could nominate their successors. The duties of the elders included the over-sight of the spiritual concerns of the ministers and congregations. "Their whole spiritual office was ordered after the manner of Calvin at Geneva, and of the Refugee Presbyterian Congregation."[66] The deacons were in charge of the alms, and were appointed either by the government, or like the elders, by the Presbytery or Consistory.

The Classis met once a year and was composed of all the ministers in the district, with one elder from each congregation, and with schoolmasters and *kuesters* as desired. Above the Classis was the Synod which also met annually, and was composed of pastors and elders. A general Synod

61 Mosheim, *Ecclesiastical History*, 4:278, 9.
62 Schmucker, *op. cit.*, 209-11.
63 Gieseler, *op. cit.*, 4:539.
64 Krauth, "Church Polity," in *The Lutheran Church Review*, 2:332-3.
65 Schmucker, *op. cit.*, 210.
66 *Ibid.*

of representatives—four pastors and two elders from the Synod of each province—was the highest body.

We cannot but think that Muehlenberg's familiarity with these arrangements in Mark Brandenburg was a part in the training which influenced him in the organization of the Church here.[67]

It is further known that Spener at Halle advocated such a system of church government, and commended the provisions just described which were so unfamiliar generally in Germany. Muehlenberg must have been influenced, while at Halle, by the attitude of this important figure.[68]

CONCLUSIONS.

THE LUTHERAN PRINCIPLE FOR THE GOVERNMENT OF THE CHURCH—CONFORMITY TO THE WORD OF GOD, AND ADAPTATION TO EXISTING SOCIAL CONDITIONS.

It should be clear from the preceding study that the body of precedent relating to the organization of the Lutheran Churches in Europe was varied in content. That this was the case is as one would expect when the Lutheran theory for the government of the church is understood. As ex-

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67 *Ibid.*, 211; Henry Melchoir Muehlenberg is commonly known as the "Patriarch of the Lutheran Church in America." He was born in 1711 in the Electorate of Hanover. Ordained to the ministry he served for a time in the Church in Germany. Having a desire to go as a missionary he accepted the call of certain German Lutheran Congregations in Pennsylvania, extended to him through Zeigenhagen, Hanoverian Court-Preacher in London, and arrived in Philadelphia, 25 November, 1742. Finding the Church in a sad state he set about the work of reorganization. He had a semi-official position by virtue of his relation to the mission society at Halle and so claimed a supervisory power. Under his vigorous leadership the Church in Pennsylvania was developed, while he made his influence felt among some of the Lutheran Churches in New York, New Jersey, Maryland, and Georgia. He laid down the principles of congregational and synodical organization, in addition to injecting a wholesome spirit into the churches touched by his influence. He died in 1787. The standard work on the subject is Mann, *The Life and Times of H. M. Muehlenberg*, a production of the highest character, and thoroughly reliable.

68 Schmucker, *op. cit.*, 211.

pressed by Luther and as taught in the Confessions, the individual congregation is the unit of authority and power, and for its organization or for the organization of a body of congregations no divinely ordained or established form is recognized. The Lutheran Principle is that any form of organization which is successfully employed, and is not contrary to the Word of God, is proper. At the basis of this lies the idea that the Church must have some form of organization for the sake of good order and efficiency in the promotion of its objects. In this respect the virtual anarchy of the Anabaptists was avoided. But the test of any form of government or form of organization for the church is whether or not the church is realizing the purpose for which it was established and, at the same time, is agreeable to the members thereof with respect to the spirit and ideals to which their system of political government has accustomed them.[69] Yet it must be clearly understood that this view does not allow pure Congregationalism, the absolute rule of the majority, to be in effect. For the Lutheran Principle also included the idea that all things practiced must not be contrary to the Word of God. Such contradiction being avoided variation and difference may follow, according to the desires of the people and the peculiarity of local conditions.

THE EFFECT UPON THE ESTABLISHMENT OF THE CHURCH IN AMERICA.

Because of this accepted view the Lutherans who came to America came free to establish their church under more auspicious circumstances than Lutherans had ever enjoyed. The freedom of the congregation, and its right to choice, while theoretically held in Germany, was practically denied. There the secular ruler was the controlling factor. Into

69 "Lutheranism by its plasticity in externals is inclined in strong monarchies to run into Episcopalianism; in aristocracies into Presbyterianism; and in republics into Congregationalism," *Lutheran Cyclopedia, "Church Polity,"* 106.

the American colonies the pioneers of Lutheranism came and upon them was laid the responsibility, and the privilege, of the formation of principles and practices for a church in a land of vastly different political ideals. They could not have transferred to their new world the church as they had known it in Europe had they wished; they certainly could not have transferred it from Germany.[70] It seems therefore safe to say that nowhere has the Lutheran Church had the opportunity to shape its church polity in accordance with its principles as it has had in America.[71]

How the Lutheran Church in America realized its opportunity, as this is illustrated in its development, it will be the further purpose to inquire into.

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70 Mann, *Life and Times of Henry Melchoir Muehlenberg*, 89.
71 Jacobs, *op. cit.*, 14; Richard, *op. cit.*, 32, 4; Krauth, *The Conservative Reformation and its Theology*, 159-60; Schmucker, *op. cit.*, 188.

CHAPTER II.

BEGINNINGS IN AMERICA TO 1781.

BEGINNINGS OF CONGREGATIONAL ORGANIZATION.

In the colonization of North America representatives of the Lutheran Church were early found among the population. This was true, however, for the great part of the 17th century only in so far as the Dutch and Swedish Colonists were concerned. The first mention of Lutherans in New Netherland is that made by the Jesuit missionary, Jogues, in 1643. These were Dutch and there is reason to believe that there was soon a considerable number of them among the population.[1] But no church organization was permitted to be formed by these people until after the conquest of the Colony by the English. A Lutheran minister had been brought in in 1657 but he had been deported by the Dutch authorities at the instance of the Reformed ministers.[2] After many vicissitudes the remnants of Dutch Lutheranism were united with the German Lutheran Churches in New York in the late eighteenth century.

In 1638 Lutherans arrived as the representatives of the Swedish colonization on the Delaware. The next year the Rev. Reorus Torkillus came and a regular church organization, under the National Church of Sweden, was begun.[3] Even though the Swedish colonial project failed the Church of Sweden continued to regard the several churches established as missionary points and supplied the ministry even until after the Revolutionary War. Then a number of the churches were without pastors and since the younger element called for English service, and as no Lutheran min-

1 Wentz, *The Lutheran Church in American History*, 26, 7; Jacobs, *A History of the Evangelical Lutheran Church in the United States*, 46.

2 Wentz, *op. cit.*, 27-31. For the relations between the two Churches in Holland, see above.

3 Wentz, *op. cit.*, 34-40.

isters could be had, the churches amended their constitutions to permit the employment of Episcopalian ministers. The complete transition to the Protestant Episcopal Church was not long in coming. The Swedish Lutheran Churches were never independent, self-supporting churches, but they depended upon the aid and direction given from the National Swedish Church. Consequently nothing of importance to the subject here was developed, and no further attention will be given to their history.[4]

William Penn's "Holy Experiment" opened to oppressed South Germans a place of refuge from the depredations of the French. In 1694 an erratic preacher, Heinrich Bernhard Koester, gathered together some German Lutherans in Germantown and conducted for them the first German Lutheran church service in America.[5] The tide of German immigration had now set in and by 1703 German Lutheran Congregations had been established in Pennsylvania. This tide also flowed, in the early decades of the eighteenth century, to the Province of New York and in 1709 Rev. Joshua Kocherthal and a congregation of Lutherans settled on the west bank of the Hudson at Newburgh. These were the "Palatines," fleeing from the persecution and disaster above referred to.[6]

From this time to the Revolution the number of German immigrants to the colonies increased. Lutheran congregations were organized wherever a considerable body of Germans went. This element soon became the chief factor in the strength of the Lutheran Church in America. Congregations were organized in Pennsylvania, New Jer-

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4 An excellent treatment of the history of the Swedish Churches within the limits of the expansion of the original settlements is to be found in Clay, *Annals of the Swedes.* A strong Swedish-American Lutheran Church has since grown up but it had, in its beginnings, no connection with these early settlements, being solely the fruit of the great Scandinavian immigration which began about the middle of the last century. The present Swedish Lutheran group is organized into the "Augustana" Synod, a general body founded in 1860.

5 Wentz, *op. cit.*, 45, 6; Schmauk, *A History of the Lutheran Church in Pennsylvania,* Chapter 4.

6 Wentz, *op. cit.*, 31-2.

sey, New York, Maryland, Virginia, South Carolina, Georgia, and North Carolina. There was, however, no progress made for many years toward efficient congregational organization and administration nor toward a general intercongregational organization. Transplanted to a different political system these Germans were confronted with the necessity of working out a new form of church organization. This they were not immediately able to do. Without over-sight and a strong organization, the congregations easily fell prey to men who offered themselves as pastors. While a few of these proved to be worthy, some were ministerial vagabonds, others were deposed ministers from the Continent, and others were mere impostors who had never been properly received into the ministry. Then too the Moravians became active and sought to impose upon them, while many congregations were entirely without the services of a pastor of any kind.[7]

THE UNITED CONGREGATIONS, AND THE PART OF MUEHLENBERG.

A first step in improving conditions came in 1733 when the Rev. John Christian Schultz united three of the older German congregations—those at Philadelphia, New Providence, and New Hanover—into one parish and suggested sending two laymen and himself to Germany to secure more qualified and worthy ministers and teachers, and to solicit funds for church and school buildings. Schultz never returned from this mission but it was by no means fruitless, for the German Lutheran cause in America was thus brought to the attention of Rev. Ziegenhagen, the Hanoverian Court-Preacher in London, and the Rev. Prof. Francke of the Halle Institutions.[8] After several years'

7 The evidences of the above-mentioned condition are numerous and conclusive. See Jacobs, *op. cit.*, Chapters 11 & 12; also the "*Hallesche Nachrichten*," translated by Schaeffer, 75-105.

8 All this is given in detail in the "*Hallesche Nachrichten*," as cited above.

delay these men secured and commissioned the Rev. Henry Muehlenberg who arrived in 1742 to serve the "United Congregations," at Philadelphia, Providence, and New Hanover. With the coming of Muehlenberg the first successful step toward the organization of the Lutheran Church in America may be said to have been taken.

> The parochial period in the life of the Church, like the Colonial period in the life of the State, was about to pass and the organic unity of the parishes into the larger Church was about to parallel the federal union of the colonies into the American Republic.[9]

When Muehlenberg arrived he at once assumed the pastorate of the congregations to which he had been specifically called. Conflicts with a Pastor Kraft who had been serving the Philadelphia church, and with the Moravians, especially with Count Zinzendorf who claimed to be inspector of all the Lutheran congregations in Pennsylvania, occasioned difficulty which was soon overcome.[10] But Muehlenberg had no intention, and indeed no justification according to his Call, of confining his energies to a single parish. He had been sent by the officials at London and Halle as a missionary to the German Lutherans in America, wherever they might be found, and was under their authority, having their support. This authority they had not gratuitously assumed but it had been received by virtue of the appeals from the congregations and their accompanying delegation of authority. Accordingly he set about his work with zeal. He visited the various congregations; he sought to bring order out of veritable chaos in congregational organization and practice, and he looked forward to the time when there should be an effective organization of all the Lutheran Churches of German extraction for the better control of such matters as ministerial supply, the exercise of discipline, etc.[11] Too much

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9 Wentz, *op. cit.*, 53.

10 Mann, *Life and Times of H. M. Muehlenberg*, 109-27.

11 For a statement of Muehlenberg's work and ideals in this respect see *Appendix I, to the Minutes of the 145th Annual Convention of the Evangelical Lutheran Ministerium of Pennsylvania and Adjacent States*—1892—; 12-15.

importance can hardly be attached to this man nor to the work which he accomplished. His motto, *Ecclesia plantanda,* is both expressive and prophetic.

Inasmuch as the special interest here is in the development of a particular phase of church polity, namely, the synodical, it is not necessary to enter upon a detailed study of the development of congregational polity in the Lutheran Church in America, as this is illustrated in congregational constitutions. It is enough if certain conclusions are noted.[12]

CONCLUSIONS AS TO CONGREGATIONAL ORGANIZATION.

In all the German congregations in Pennsylvania, however, an organization was found when Muehlenberg came, which had arisen out of the necessities of the case, and in all of them it had the same character.[13]

No written constitutions for the congregations in Pennsylvania, drawn up prior to the arrival of Muehlenberg, are known to exist. The Salzburgers, however, who came to Georgia were furnished with a constitution drawn up by Drs. Urlsperger, Ziegenhagen, and Francke, and based on the constitution of the Savoy Church in London. But since this Salzburger Constitution does not appear to have exerted any considerable influence attention will rather be given to the development of the congregational constitution as this was illustrated in Pennsylvania.

Taking the basis of organization as he found it when he arrived, Muehlenberg immediately became active in giving the organization a form. 25 November, 1742, he arrived in Philadelphia; 26 November he opened the record

12 This whole matter is excellently worked out in B. M. Schmucker's "The Organization of the Congregation in the Early Lutheran Churches in America," in *The Lutheran Church Review,* 6:188-226.

13 *Ibid.,* 189.

book of the church at New Hanover with the following statement,

> I, Henry Melchoir Muehlenberg, arrived at New Hanover, as preacher of the Gospel and the Augsburg Confession. On Nov. 27 I laid before the elders and deacons my instructions and vocation, which I had brought with me from the Right Reverend, the court preacher Ziegenhagen, in London. On the 28th delivered my introductory sermon in the church at this place. After the sermon I read my instructions to the congregation also.[14]

Shortly after he wrote what has sometimes been called a constitution for the church at New Hanover, but it seems that such a designation is not accurately given. This was the first of a number of more or less imperfect and brief papers which he wrote for various congregations at various times for their guidance, and in anticipation of full and formal constitutions which he hoped to prepare for them later.[15]

The full and formal constitution which was thus promised was written after twenty years' experience, and after careful study. It was expressly prepared for the St. Michael's congregation in Philadelphia and was accepted by it in 1762.[16]

The question may well arise in this connection as to where Muehlenberg got his ideas in evidence in this document. How much was original with him and how much was from other sources? Doubtless his long and varied experience both in Germany and America had much to do with his choice of provisions and regulations but that he was indebted to other sources for valuable suggestions and fundamental and guiding principles is without question. His work was rather that of adaptation than of

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14 Schmauk, *op. cit.*, 157; facsimile of the original, 156.
15 *Ibid.*, 157.
16 Muehlenberg had prepared several constitutions which were of really high order but the fact still remains that that of 1762 is regarded as the first full and formal constitution and so is entitled to first place. See Schmucker, *op. cit.*, 211 ff. The *Constitution of 1762* is printed in full in "*Hallesche Nachrichten*," 2:435-41.

creative formulation. He was, of course, indebted to the principles of Lutheran polity as these have already been outlined.[17] However, as has been seen, these principles had in large measure been disregarded, especially in Germany. It is to be noted next that while he found no definite and formal organization in the Lutheran congregations of German origin and descent in Pennsylvania, he was influenced in his choice of provisions by congregations of Lutherans of other origins and Christians of other denominations. These were:[18] (1) The Swedish Lutheran Congregations in Pennsylvania, Delaware, and New Jersey; (2) The Lutheran Congregations of Dutch descent in New York; (3) The Lutheran Congregations of German descent in New York, New Jersey, and Georgia; (4) The German Reformed Churches in New York, New Jersey, and Pennsylvania. To these may be added a possible influence from the Presbyterian Churches in Pennsylvania. As yet another instance of personal contact with the workings of constitutional provisions for congregations may be mentioned that which Schmucker emphasizes,[19] namely, the provisions with which Muehlenberg was himself acquainted at Halle, by which the congregation was governed even as the Reformed and so with much more self-determination than the other Lutheran congregations enjoyed.[20]

Back of all these local influences stood certain more important ones. These were the influences exerted by the Constitutions of the Lutheran Congregations in Amsterdam and London. And yet back of even these stood the monumental *Ordonnances Ecclesiastiques de Geneve*.[21]

All of the foregoing will serve to show that Muehlenberg was concerned to formulate a congregational constitution which would increase the efficiency of the congregations and

17 See Chapter I, above.
18 Schmucker, *op. cit.*, 190-205.
19 *Ibid.*, 210: "Each Congregation shall have its own Elders and Vorsteher, who with the Pastors of the place constitute a Presbytery or Consistory. There were to be four or six Elders, etc."
20 *Cf.* 26-27, above.
21 *Cf.* 16, 7; 21-3; 23, for the Constitutions of Geneva, Amsterdam, and London.

yet would not violate Lutheran principles of polity. In this purpose he was successful. The Constitution of 1762 became a model of similar constitutions throughout the country, and its influence persists even to the present. It was indeed a "carefully prepared Christian congregational constitution, corresponding with the political liberties of this country."[22] It was *eclectic*. The author sought to include the best that was shown to be practicable through experience, though never contrary to the Word of God.

The Constitution was divided into three "Chapters."[23] Chapter I is entitled, "Of the Pastors." The duties and obligations of the Pastors are specified in detail under Sections 1-7 and 11. Section 8 lays down regulations for the discipline of an offending pastor; Section 9 prescribes the method of election, and Section 10 is concerned with the salary. Chapter II is entitled, "Of the External Government of the Congregation." Section 1 gives to the congregation the right to elect and confirm, by a majority of votes, all officers and ministrants. Section 2 provides for a Church Council to consist of the Trustees, six Elders, and six Vorsteher, chosen by the congregation. The Trustees are the Pastors. After 1791 Council was made to consist of Pastors, Elders, and Vorsteher, the Trustees being omitted. Section 3 made provisions for certain surviving Trustees. This was purely a temporary provision to meet a present situation. Section 4 specified the mode of election of Elders which was by nomination by the Council and election by the congregation. Section 5 lays down that the election of Vorsteher shall be like that of the Elders. Section 6 reiterates that the Church Council is constituted of Trustees, Elders, and Vorsteher. Section 7 specifies the procedure in the decision of weighty matters, approval by two-thirds of the Church Council after which approval by two-thirds of the communicant members of

22 Mann *op. cit.*, 365. The whole matter is dealt with at length by the same author, Chapter 32.

23 A condensed translation of it is in Schmucker, *op. cit.*, 219-224. Conclusions here drawn are based on this translation.

the congregation, "especially when it demands contributions from the members," being required. Section 8 details the duties of the "ruling Elders,"[24] and Section 9 those of the Vorsteher. The distinction between the two offices is that the Elders have mainly to do with spiritual interests; the Vorsteher with temporal interests, though in both cases there are included a few of the interests of the other category. Section 10 has to do with the procedure in the investigation and admonition with respect to offences by either Pastors, Elders, Trustees, or Vorsteher. Chapter III is entitled, "Of the Members of the Congregation." Section 1 lays down the requirements demanded for full membership in the congregation. Section 2 sets forth that those who fail in the above-mentioned points are excluded from the privileges of the congregation. Section 3 defines the procedure to be followed against those who err.

A noticeable feature of this Constitution is the frequent references made to the membership of the congregation in a "Synod," and the relation of the pastors to a "Ministerium." As these references have importance in relation to the matter of more particular interest here, attention will now be directed to a study of the first efforts toward forming an inter-congregational organization, in other words, a synodical body.

EARLIEST ATTEMPTS AT SYNODICAL ORGANIZATION.

There is a report of an attempt to form a general church organization before Muehlenberg's arrival. Three pastors, serving congregations in New York and New Jersey met at Raritan, 20 August, 1735, in the first synodical meeting in America. Nine congregations were represented by delegates. There is record of only one convention so that the importance of this for the future welfare of the church is not great. It can be said, in this connection, that the pastors serving these congregations were regularly sent

24 Here Presbyterian influence can be discerned.

from Europe and were thoroughly worthy and reliable. But because they came out of a different environment in Germany they had nothing to do with Muehlenberg, or indeed with anyone who came out of Halle.[25]

As has been shown before there were Swedish Lutheran churches along the Delaware, and these continued even after Sweden's interest in colonization ceased. Several of these were in the vicinity of Philadelphia and there had sprung up cordial relations between them and the German Lutheran Churches. These Swedish churches were under the pastoral care of ministers of the Church of Sweden who had been sent out as missionaries, under the authority and direction of the State Church. The Moravians being active in troubling the Lutheran congregations, both German and Swedish, it was proposed by two laymen, as a special protection against these activities, that there be held yearly meetings of both the German and Swedish ministers, together with a few "elders" from both parties. Other matters besides defence against the Moravians were also to be considered at the meeting. Peter Kock, a leading layman among the Swedes, and Henry Sleydorn, a German, were the two most active in projecting the meeting which was held in May, 1744 in Gloria Dei Church just outside of Philadelphia. Mr. Kock presented a "Church Regulation," which was designed to unite forever the Swedish ministers with the German and which was adapted to the special circumstance of the time. Difficulties over the attitude toward the Moravians, differences in church usages and in language, and diversity in ecclesiastical connection were the rocks on which the scheme foundered and nothing was accomplished.[26] So the former state of disorganization and disunion continued.

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25 Graebner, *Geschichte der Lutherischen Kirche in America*, 193-7; Bente, *American Lutheranism*, 1:33. A sketch of a constitution, apparently for a synod, has recently been discovered in the writings of the Rev. Berkenmeyer, one of the three pastors just referred to. Whatsoever the purpose and authenticity of this, it had no influence in the development of synodical polity.

26 Acrelius, *A History of New Sweden*, 242-54.

THE ORGANIZATION OF THE MINISTERIUM OF PENNSYLVANIA, 1748.

The first successful effort to form a general organization of Lutherans in America must then be set down as of 1748. Toward this Muehlenberg, ever since his arrival, had been slowly leading. His influence had spread, and congregations which had not been parties to London and Halle had come to recognize his position and to seek his aid and advice.[27] In addition to his authority and recognized position, Muehlenberg possessed such ability in administration and such strength and reliability of character that he won recognition and respect from all but a few.

In addition to looking after congregations which had been established before his coming Muehlenberg organized or re-established certain congregations which naturally looked to him and his principles for advice and assistance.[28] He was instrumental in having several men sent out under much the same authority and direction as himself. These served congregations and the congregations thus voluntarily put themselves under Muehlenberg and his principals in Europe.[29] The situation as it was in 1748 is thus stated:[30]

> The United Congregations were at first only the three congregations at Philadelphia, New Hanover and Providence, which together first applied to the court preacher Ziegenhagen, in London, and to Prof. Dr. Francke in Halle, requesting them to choose and call for them several able preachers. When the first preacher, Mr. Muehlen-

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27 Jacobs, *op. cit.*, 225-7; Mann, *op. cit.*, Chapters 11, 12, 13; these are built on the "*Hallesche Nachrichten*," and on the manuscripts of Muehlenberg's *Diary* preserved in the Archives of the Ministerium of Pennsylvania. Specific citation to the *Diary* is impractical. Therein the investigator finds voluminous evidence for conclusions briefly set down. The same is true also in the case of the "*Hallesche Nachrichten.*"

28 *Documentary History of the Evangelical Lutheran Ministerium of Pennsylvania and Adjacent States*, 21-23. This will hereafter be cited as *Doc. Hist.*

29 Mann, *op. cit.*, 158, 178.

30 *Doc. Hist.*, 3.

berg, arrived in Pennsylvania, the fourth congregation at Germantown, united with them, and later Tulpehocken and Lancaster, with Nordkiel and Earlingstown as filials of the latter two; so also two small congregations at Upper Milford and Saccum joined the two in Providence and New Hanover as filials.

The occasion for the beginning of the organization to which Muehlenberg had been looking forward came in connection with the desire to ordain to the ministry Messrs. J. N. Kurtz and Schaum, two catechists who arrived 26 January, 1745, having been sent from Halle to assist in the work among the congregations. The new building for the Philadelphia church (St. Michael's) was to be consecrated in August, 1748, and it was considered that this would be an excellent time to bring together the men serving Lutheran congregations in America who followed Muehlenberg.[31] For these reasons,

> As well as for the closer union of the preachers and of the United Congregations, and for mutual consultation and agreement in matters concerning all the congregations, a meeting of the preachers, elders and deacons of all the frequently mentioned congregations was arranged to be held in Philadelphia, August 15 [O. S.], 26 [N. S.], 1748.[32]

In addition to three Halle men—Muehlenberg, Brunnholtz, and Handschuh—and the two catechists also sent from Halle, there were present the Swedish Provost,[33] and the Rev. Hartwig. The latter had been called to serve churches along the Hudson.[34] While he was in no direct connection with Halle, he was of the same mind as the Halle men, and indeed had been ordained for his work in London, which fact is evidence that he had the same general ideas, inasmuch as the officials at Halle and at London

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31 Jacobs, *op. cit.*, 239.
32 *Doc. Hist.*, 3.
33 The office of "Provost" corresponded to that of "Superintendent" in Germany. The Provost acted as the executive administrator under the bishops or consistories. In America the Provost was also pastor of one of the churches while he exercised his office of oversight.
34 Jacobs, *op. cit.*, 224.

had been working together in supplying the American churches. Of the laity present there were the "Delegated Elders and Deacons from the United Congregations," of which congregations there were ten listed, while shortness of time after notification is given as the reason for absence of delegates from an eleventh. Peter Kock and Henry Sleydorn are mentioned among those present.[35]

Muehlenberg delivered the opening address and said that this union had long been desired but until then it had not been effected. He referred to the attempt made at the Gloria Dei church in 1744.

> A twisted cord of many threads will not easily break. There must be unity among us. Every member has children. The deacons would have great responsibility, if they were negligent in helping to create good order, especially in behalf of the children, who, if they were neglected, would help to condemn their parents. We are here assembled for this purpose, and, if God will, we shall assemble yearly; this is only a trial and test. We preachers who are here present, not having wandered hither of our own will, but called and necessitated, are bound to give an account to God and our conscience. We stand in connection with our Fathers in Europe. We must provide not only for ourselves, but also for our posterity, etc.; etc.[36]

The protocol of the meeting gives a list of five items of consideration. First, each congregation was asked on what terms it was with its pastor. All reported themselves as satisfied. Secondly, the condition of the schools was reported upon. In Philadelphia, Germantown, New Hanover, and Lancaster schools were in fair to flourishing condition; in the other congregations there were no schools. Thirdly, concerning church ceremonies which had been introduced, all were satisfied, but asked that the public serice be made briefer. This they left to the preachers who promised to deliberate on the matter. Fourthly, the question why the "so-called" preachers, Stoever, Streiter, Andreae, and Wagner were not invited was raised. In answer Muehlenberg

35 *Doc. Hist.*, 8, 9, 12.
36 *Ibid.*, 9.

Shows that we can have no fellowship and close brotherhood with them, for 1, they decry us as Pietists without reason; 2, they have not been sent hither, have neither an inner nor an external call; 3, they are not willing to observe the same Church Order that we do; each wants to conform to the ceremonies of his home; 4, six years' experience has taught Mr. Muehlenberg that they care for nothing but their bread; 5, they are under no Consistorium, and give no account of their official doings.[37]

Herein is set forth the chief *raison d'etre* of the organization then begun. The distinctions made were to serve as causes for strife and contentions between pastors and congregations within the body and pastors and congregations without for years to come. But in the maintenance of its position the Ministerium contributed the greatest share to the establishment of good order and to the advancement of the Lutheran Church in America.

Fifthly, complaint was made that Mr. Wagner had accused Muehlenberg of having driven him from Tulpehocken. The Church Council of Tulpehocken answered that such was not the case. Sixthly, a matter of congregational discipline was discussed on the introduction of Mr. Handschuh, in behalf of the church at Lancaster. The meeting decided against the opinion of the Lancaster congregation which agreed to abide by the decision for one year. Here is a clear case of synodical authority dictating to a congregation on a matter of internal practice. Acquiescence by the Lancaster congregation indicates a triumph for synodical power. Thus early is the subordination of the congregation to the synodical body exemplified. Strict congregational polity began to give way to synodical polity.[38] Finally, at the first session, "the meeting after some deliberation," and because "this was only arranged as an attempt at a closer union and a trial for the future," decided that "our annual Synod shall be held alternately in the two cities, Philadelphia and Lancaster. Therefore, if God will,

37 *Ibid.*, 11; for report of whole proceedings, *Ibid.* 8-12.
38 Bente, *American Lutheranism*, 1:77-82.

it shall be in Lancaster next year." It was determined that "two elders must come from each congregation at the congregation's expense."[39] In conclusion several addresses were made. Provost Sandin expressed a desire to be a member and said that the example there set would be a good one for the Swedes to follow. What he might have done as a member of the Synod it is idle to speculate upon, as he died later in that same month. It should be understood that he had been referring only to his own personal membership. It was never intended that the Swedish congregations should stand in the same relation to the Synod as did the German churches. Sandin meant to be an advisory member, as indeed Hartwig continued to be.[40]

In connection with this first meeting of the Ministerium there was adopted the Order of Service—*Agenda*—referred to above. (Page 43). There is no existing evidence of its being considered at this meeting but the inference is that it must have been considered and adopted for official use.[41] In fulfillment of the occasion for which the meeting was called, John Nicholas Kurtz was examined and ordained. Catechist Schaum was restrained for another year. Certain important points in connection with Kurtz's ordination will be considered below; suffice it to say here that this has significance because it was the first synodical ordination in the Lutheran Church in America.

Thus was the Ministerium organized. But what is the significance of that? It does not seem to be an exaggeration to hold with Prof. Graebner, as he says in the words which Dr. Jacobs quotes and endorses, that this was "the most important event in the history of the American Lutheran Church of the eighteenth century."[42] While the organization had no formal constitution, and was not to have one for many years, its main features may easily be discerned.

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39 *Doc. Hist.*, 12.
40 Mann, *op. cit.*, 214; Jacobs, *op. cit.*, 243.
41 *Doc. Hist.*, 13-18; Jacobs, *op. cit.*, 267-75.
42 *Ibid.*, 243.

For describing the relation of the individual minister to the Ministerium there is no better source than the *"Revers"* signed by John Nicholas Kurtz upon his ordination.[43] He undertakes therein to show proper respect to the pastors of the United Congregations to whom he acknowledges himself bound by the call given at Halle in 1744; to regard his congregation as only a part of the United Congregations; to teach according to the Word of God and the Lutheran Confessions; to use only the ceremonies—*Agenda*—introduced by the "College of Pastors" of the United Congregations and none other; to undertake nothing important without the advice of the "College of Pastors;" to give an account of his official acts to the "Reverend College of Pastors;" to keep a diary and journal of official acts, etc.; and not to resist if the body calls him to another field.

> These items, and everything naturally implied therein, I acknowledge as the conditions of my call, and my obligation thereto. I also declare to every one that, if I intentionally act against any one, or more, or all of these particulars, I will thereby forfeit all the privileges to which my call entitles me, and will acknowledge myself, as, by such unfaithfulness, deserving due punishment.[44]

It is very clear from the foregoing that the ideas in the minds of the founders of the Ministerium were that the Ministerium should have real power and authority, which it would and could exercise, or else it had no reason to be.

In order to have clearly in mind the position of ministers who entered into the Ministerium, it must be remembered that the relation to Halle which they sustained was the chief ground for co-operation and union. It must also be remembered that the acts of the Halle officials in connection with ministerial supply and direction in the colonies was subject to the approval af the church authorities in Hanover, who were the Lutheran representatives of the then reigning Hanoverian king of England. It was for this reason that the interest and authority of Dr. Ziegenhagen,

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43 *Doc. Hist.*, 20-1.
44 *Ibid.*, 21.

Hanoverian court-preacher in London, was active. Of course, such relations as the American pastors had with these European officials guaranteed a likeness in doctrine and practice among them, and common ideals for synodical organization were assured. This peculiar relation to Halle not only served the ends just mentioned but it also called forth, in pursuance of the exercise of control and direction, the regular transmission, as a required duty, of reports on the part of the ministers, which reports now constitute the chief source of present knowledge of this important period of the development of the Lutheran Church in America. These reports have been, in large measure, published and are more popularly known as the *"Hallesche Nachrichten."*

The essential features in the organization of the Ministerium having been noted, attention will now be given to a study of its internal development leading up to a setting forth in a formal way of the first written constitution.

THE DEVELOPMENT OF THE MINISTERIUM OF PENNSYLVANIA, 1748-1781.

In the study of this internal development two natural divisions immediately appear. The first is that between 1748 and 1754; the second between 1760 and 1781. In the first period there were laid down, even from the very organization meeting, certain principles and practices of synodical organization which were to persist through to 1781, when they were recorded, and even beyond that time to the present day. Of course it is true that they exist at the present time in very modified form.

Ordination was placed from the beginning entirely under the control of the ministers subject, at first, to the advice and approval of the European officials. All other matters were really under control of the pastors. Indeed the lay delegates were not members of the synod, or of the "United Congregations." "There was no vote taken in the common assembly of pastors and laymen."[45] At the be-

45 Jacobs, *op. cit.*, 244.

ginning of the synod they made reports, answered questions concerning their congregations and pastors, and were often consulted on weightier matters.

At first there was no elected presiding officer and for the first two sessions (1748 and 1749) Muehlenberg, by virtue of his pre-eminence and prior call and commission, assumed this position. At the third meeting, however, "Pastor Muehlenberg's Proposition concerning the necessity of a Superintendent over all our Congregations, to be elected yearly," was the first Item of business. No provision was made before 1781 for a permanent secretary, and the reports of the meetings—as sent to Halle—were frequently signed by the president. On some occasions mention is made of the president's appointment of some one to take the minutes of the meeting.[46]

The new organization had to struggle hard for existence. New demands due to the greatly increased German immigration which was pouring into Pennsylvania at this time laid heavy burdens upon the pastors belonging to it. Then, other Lutheran ministers who were not in connection with the body were hostile to it, either because they had not been asked to become members, or because they considered themselves better Lutherans than the "Hallenses" whom they decried as un-Lutheran because of alleged "Pietism."[47]

During this time, nevertheless, the synod grew in the number of pastors and congregations connected with it. Whereas in 1748 there were present only three regular pastors, two ministers who were only advisory members, and two catechists, one of whom was to be ordained at that convention, and delegates from ten congregations, in 1752 there were present "12 preachers" and 68 "delegated elders and deacons of our congregations."[48] No record of any consequence is preserved of the convention of 1753, but in 1754 the report says that there were in attendance "the Swedish Provost, one Swedish preacher, and 14 High Ger-

46 *Doc. Hist.*, 62, 70.
47 Bente, *op. cit.*, 34, 5; 73-77; *Doc. Hist.*, 40.
48 *Ibid.*, 38.

man ministers."[49] At this convention the discouraging conditions referred to above were recognized and the weight of them laid heavily upon the hearts of those assembled. Of this Muehlenberg writes,[50]

> After they had reported, and mutually lamented the great hindrances each had encountered in his office, and had considered how what has heretofore retarded the progress of our Lord's Kingdom may be removed, and devised means to aid, by God's help, the congregations and the numerous ignorant young people within them, they gave one another their solemn pledge that they would earnestly ask their Heavenly Father for mercy and deliverance. They also promised each one, on his part and in his circumstances to fulfill his office with all fidelity, according to the grace given him, and, by pure doctrine and a godly life, to destroy the Kingdom of Satan, and promote the progress of the Kingdom of God. It was also considered most necessary to lay before our most worthy Fathers and our friends in Europe the condition of our affairs, just as they are, and to this end to write to you.

Yet it should be noted that amidst all this lamenting, delegates were present not only from Pennsylvania, but also from New York, New Jersey and Maryland. It is said that the business was transacted "in such a child-like, simple, edifying manner, and without the least imperiousness and ambitious strife" as to astonish an invited guest, Jacob Schertlin, formerly a pastor in Wurtemberg.[51]

The statement of the conditions of affairs which the convention had ordered to be sent to the Fathers in Halle and friends in Europe was written and signed by Muehlenberg, Brunnholtz, and Handschuh, the three original members of the "College of Pastors," and the three oldest in point of ministerial service. It gives a brief history of the German immigration to Pennsylvania and details the condition of each congregation which they claim to be responsible for. It is an important document.[52]

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49 *Ibid.*, 42.
50 *Ibid.*, *"Hallesche Nachrichten,"* II:193.
51 Mann, *op. cit.*, 311; *Doc. Hist.*, 43.
52 *Ibid.*, 42; *"Hallesche Nachrichten,"* II:193-209 (in full); Jacobs, *op. cit.*, 246-8 (summary).

The description given is indeed a sad one. The fate of organized Lutheranism in America hung in the balance. Here the first division of the development of the Ministerium, as accepted, may be said to end. No synodical meetings were held 1755-59.[53] Had the Ministerium ceased to exist?

The records which are preserved and which deal with the events of 1760 which led to the resuscitation of the Ministerium might, from one point of view, be interpreted to show that a wholly new organization was then begun. The common interpretation, however, is that such was not the case, and that interpretation is adopted here. It is true that Muehlenberg in calling a meeting to be held at his church at Providence invited men who had not been members of the "College of Pastors" of the United Congregations. Moreover in writing to one of them, Gerock of Lancaster, he says that he is "taking the liberty" of calling a "fraternal Pastoral Conference" for the purpose of considering the welfare of "our poor *ecclesia plantanda* in the American wilderness." The manner of conducting the Conference was to be determined by those present. He goes on to say that the advantages of such a Conference are manifold, and while the people of the churches had evidently objected to conferences—(Such as the former United Congregations conventions had been?)—it is to be hoped that "we poor preachers may at least have such freedom in our congregations as to be able now and then to meet, to tell one another our troubles, etc." And, "the congregations can have less objection to this if for this time we ask no delegates, but only hold a preacher's Conference." However, "every well-disposed member" was to be at liberty to come and be a spectator and a listener and to partake "of our humble hospitality."[54]

A factor in the calling of this Conference was the Swedish Provost, Charles Magnus Wrangel, who came to take charge

53 *Doc. Hist.*, 43.
54 *Ibid.*, 44, 5.

of the Swedish churches in 1759. With him Muehlenberg cultivated a close intimacy. 24 August, 1760, he went to Muhlenberg's home personally to invite him to a meeting of the Swedish pastors. Muehlenberg attended this conference 14 September and was deeply impressed with what he heard there. The instructions from Sweden explicity ordered that the Swedish pastors live in harmony with the German pastors and attend their annual meetings. There seems to be no question but that the acquaintance with Wrangel and the attendance upon the Swedish Conference stimulated and encouraged Muehlenberg to revive the Ministerium, for immediately upon his return home he gave the call for the "fraternal pastoral conference," already referred to. This was to meet 19 & 20 October.[55]

When the Conference opened there were present: Wrangel, six regular German pastors, two "adjuncts," a catechist, and Mr. Bryzelius who earlier in the morning had renounced the teachings of the Moravians and had been then received into the "honorable Evangelical Lutheran Ministerium of Swedish and High German Nationality in Pennsylvania." Eight laymen are mentioned as in attendance. Another German pastor, J. C. Stoever, was present but without invitation. He was promised admission later if he conducted himself properly.[56]

The purpose of the Conference to deliberate concerning future procedure was carried out and eight questions were brought forth for consideration and decision. Of these only four are in point here. Question 1 concerned the necessity for and advantage of holding an annual meeting. A decision in favor of holding the meetings was arrived at. Question 2 concerned the impediments which make difficult a fraternal meeting or union, or hinder it altogether. The answer was that Satan and his servants were responsible and false reports about the preachers sent from Halle were being circulated. Question 3 concerned the place of annual meetings. Annual (?) change of location was con-

55 Jacobs, *op. cit.*, 255, 6, 8; Mann, *op. cit.*, 342.
56 Jacobs, *op. cit.*, 260; *Doc. Hist.*, 45-57.

sidered necessary and useful. Lancaster was chosen as the place of the next meeting. Question 8 concerned the annual election of a "President of the Ministerium" who should be "charged with the duty of visiting all the United Congregations, and attending the Swedish synodical meetings as delegate." The decision by a unanimous "Yes" is very strong proof that this was but a resuscitation of the organization of 1748, and that no *organic* union with the Swedes was contemplated. In the evening an election resulted in the choice of Muehlenberg for President.[57]

In May, 1761 "our annual preachers' Convention of the United Swedish and German Ministerium" was held at Lancaster, as decided at the previous meeting, but no record of any business transacted is available.

The next year the meeting was held at Philadelphia and the renewed life and vigor of the body is evident from the report of the convention. Laymen "as delegates" attended in larger numbers and there were four Swedish and ten German pastors present. In all, approximately twenty-five congregations were represented. Muehlenberg presided and appointed Handschuh to act as secretary. Inquiry concerning schools in "each of the United Congregations" was made and reports of the same were given. For the first time since the date of the first organization reports of the increase, since the last convention of synod, of the congregations through Holy Baptism were made. This was followed by reports of the number of persons who communed for the first time in the past year. Several new congregations were received and the supply of pastors for several of the older congregations provided for. At this point the participation of laymen in the proceedings ended, and in the same afternoon and on the next day a series of "private conference (s) of the preachers" were held in which such matters as congregational difficulties, qualifications for reception to the ministry, and election of the President were cared for. Muehlenberg was again elected President. At

57 *Ibid.*, 45-57.

the meetings for considering congregational difficulties delegates of the congregations concerned were heard.[58]

Beginning with this convention of 1762 and continuing indefinitely, although the Swedish ministers continued to attend at intervals, the synod took on again the aspect of the original organization and became, as it had always been, a meeting of pastors for conference and fellowship, and for the determination of matters connected with the German Lutheran Churches, in which they had the advice and information of the laymen. No decisions concerning Swedish interests are recorded, and it is safe to assume none were made. The Swedish pastors attended only for the ministerial fellowship and comity afforded. The newer idea was carried out but it does not appear to have, in any way, affected the original purpose, as set forth in 1748. The limits of inclusion into the Ministerium were extended and pastors and congregations from Pennsylvania, New York, New Jersey, Maryland, and Virginia were received. "A wider Platform than that of Halle is noticeable, scarcely half of the ministers having been trained there. The movement in 1760 is in all respects more comprehensively and better adapted to the American surroundings than that of 1749."[59] Yet the influence of Halle remained dominant and many churches and ministers of all the colonies just mentioned refused to enter into relations with the Ministerium on that account. The support and authority of Halle remained even down to the Revolution.

But the activities of the synod continued and were extended. Pastors were ordained, church disputes were heard and settled, pastoral relations were begun and ended, and the power and prestige of the Ministerium grew. Yet opposition to its claims and its overtures continued; many resented it and strove to injure it.[60] In spite of this there grew up a correspondingly greater interest and loyalty

58 *Ibid.*, 59-67.
59 Jacobs, *op. cit.*, 260.
60 *Doc. Hist.*, 117, 8.

among the members and member-congregations. Reports of activities were asked for and given.[61]

The number of pastors and delegates present, or expected to be present, grew slowly but surely. The exclusion of lay delegates from the actual sessions of the synod when matters of real weight were discussed continued, and in other ways there was a recognition of a prerogative for the clergy.[62] It was provided that delegates should be heard on matters of business and after their business was done they could either remain at the convention or go home.[63]

First steps toward a subdivision of the Ministerium into districts for purposes of administration and over-sight were taken in 1769 when it was resolved that to relieve the President there should be a Vice-President in each county to care for matters so urgent that they could not be postponed until the next synodical meeting.[64] In 1771 Muehlenberg proposed the holding of quarterly conferences of those pastors who lived nearest to one another. These were designed for "edification and fraternal encouragement" rather than for consideration of the "external conditions in the congregations." This was approved, and a determination of the groupings seems to have been made. It was determined also that the minutes of these Conferences should be kept and sent to the President of the Ministerium by whom they were to be read at the "General Conference."[65]

Thus it appears that the experience and progress of the years were slowly building up a body of practice and precedent that would soon be torn down in an orderly, written form. Probably also the spirit of the times when many formal declarations and resolutions were being drawn up in the political realm contributed in the ecclesiastical realm. In any case, it is not surprising to learn that at the synodical meeting of 1772 "the need of a better plan for future Syn-

61 *Ibid.*, 71.
62 *Ibid.*, 73, 104, 5, 22.
63 *Ibid.*, 131.
64 *Ibid.*, 119.
65 *Ibid.*, 128.

odical Meetings, and of a code of rules, was also suggested."[66] Reporting this later Muehlenberg takes occasion to say,[67]

> Formerly I used only general rules according to the circumstances of the time and conditions, and thought, with Jacob (Gen. 33:13, 4), 'My Lord knoweth that the children are tender, and the flocks and herds with young are with me; and if men overdrive them one day, all the flock will die.' However, it is well and right to prepare an Order better suited to the circumstances. It were foolish, if a poor father were to insist that his children of twenty to thirty years old should still wear such clothes as only suit for children three, six, nine years old. I requested Pastor Kunze to be so kind as to outline a better plan together with suitable rules, in order to accomplish so necessary, beneficial and useful an object.

Kunze had come to America in 1770 and had risen to occupy an important place in the church by virtue of his abilities and fine education. He was alive to the times and was well qualified for such a work. He later became Muehlenberg's son-in-law.

At the next meeting of the synod no report was made of this object, probably because Kunze was busy with the Plan and Constitution for the establishment of a German Seminary and Society in Philadelphia, which document was to be read at the convention to the assembled pastors.[68] During the time for the convention of 1774 Muehlenberg was absent in the South, so there is no record of the meeting which, however, as appears from other sources, was probably held.[69] In 1775 the convention was not held "as the war disturbances had intervened, when I was consulted by our President, Mr. Kurtz, I did not regard it advisable and suitable, for reasons satisfactory to me."[70] At the convention of 1776 neither Muehlenberg nor Kunze was present and nothing is reported as to a consideration of a constitu-

66 *Ibid.*, 137.
67 *Ibid.*, 137, 8.
68 *Ibid.*, 141.
69 *Ibid.*, 148.
70 *Ibid.*, 149, quoting Muehlenberg.

tion.[71] In May, 1777 the synod met in Philadelphia and Muehlenberg's fear that "the sad conditions caused by the war and the difficulty of providing travelling expenses will cause a very meagre attendance of preachers" was fulfilled.[72] Consequently but little business was attended to and that of small consequence for the general development of the church.

At New Hanover, however, in October, 1778, there was a gratifying attendance. Nineteen preachers and an unenumerated delegation of laymen were present. On Monday, 5 October, "they went over the Ministerial Constitution, reluctantly contracted it and amended it by a majority vote."[73] On Tuesday, 6 October, "they finished the Ministerial Constitution" and after transacting other business, "they completed the Ministerial Constitution."[74] No mention is made of the Constitution in the record of the 1779 convention.[75] In 1780 no regular meeting was held, but six members met at Muehlenberg's house in New Providence and transacted some business relative to ministerial supply. Here again no mention is made of the Constitution.[76]

With the convention of 1781 the written protocol of the "Evangelical Lutheran Church in North America" begins. Included in this is the written constitution of that body which is the first written constitution for a synodical body in America. By action of the synod in 1781[77] this constitution was to be signed by all who desired to become members "without any change and at the earlist opportunity." Twenty-five signed it, five places being left blank.[78] It is an interesting fact that Muehlenberg's signature, evidently

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71 *Ibid.*, 150.
72 *Ibid.*, 151.
73 *Ibid.*, 154.
74 *Ibid.*
75 *Ibid.*, 156, 7.
76 *Ibid.*, 158, 9.
77 *Ibid.*, 180.
78 Facsimile of page of signatures, *Doc. Hist.*, facing page 164; see also *Ibid.*, 176. Compare with list, *Ibid.*, 167, 8.

to be put in as No. 1, does not appear. It is fair to assume, however, that this omission was through an oversight or because of some other equally sufficient reason, and not because of any serious disagreement with the provisions of the document. A short description and running commentary of the Constitution will now follow, to show that it was but the logical and expected formulation of practices and principles long in acceptance. On the basis of the evidence above, the authorship of the document may be attributed to Kunze.

THE CONSTITUTION OF THE MINISTERIUM OF PENNSYLVANIA, IN FORCE IN 1781.

Chapter First: "Of the Name and Functions of the Fraternal Association of Lutheran Ministers in North America."[79] This sets forth the view consistently held since 1748 that the body is a "ministerium" and that it is designed, ideally, to extend throughout North America, and to include at least all acceptable German Lutheran Ministers when such are ready to submit to its discipline.[80] In this one can see an early expression of the new spirit of nationalism in which provincial or state bounds are ignored, as indeed they had been from the very beginnings of the organization. Also, an association of Evangelical Lutheran *ministers* was the intention from the beginning as witnessed by the consistent exclusion of lay delegates from the determination of all questions concerning relations of congregations, the ordination and trial of ministers, and the location of ministers, although it is true that the laymen were frequently consulted on a variety of matters.

Chapter Second: "Of the President of the Synod," gives

79 The text here followed is that in the *Doc. Hist.*, 165-75, as translated from the original protocol in the Archives of the Ministerium of Pennsylvania.

80 See Chapter 4: Section 1 (page 167) for expression of hopes of great things.

to this elected officer "the over-sight, both during the meetings of Synod and at other times." In the convention of 1776 Muehlenberg was elected by vote of the preachers only,[81] and there are indications that this practice continued. Whether before 1760 such was the case is not clear and the common report of the transaction in that period is that of the transaction of the "United Preachers and delegates,"[82] among which was the election of a President. By the provisions of this chapter the President exercises the functions of a presiding officer according to the common parliamentary practice. But in all official acts he is subject to the direction of the Synod. Whatever oversight the President exercises "at other times" than during the convention is implied, rather than specified, by virtue of his representing the body over which he presides.

Chapter Third: "Of the Secretary of Synod." The usual functions of this office are to be carried out, but specification is made that care be taken "that the fittest and most learned persons are put into this office since many documents which they have to prepare will be regarded as the work of the entire Synod, and, therefore, require thoroughly capable persons to frame them."

Chapter Fourth: "Of Reception into the Ministerium." In this it is stated that those who have signed the Constitution and the "Agreement" required are members of the Ministerium. Regulation for the ordination and reception of ministers is specified and a lengthy "Agreement" is included which every one is required to sign, as just stated above. In this "Agreement" occurs a stringent promise that so long as the signator serves any congregation in North America he will not declare himself independent of the Ministerium. The whole agreement when compared with the "Revers" signed by John Nicholas Kurtz in 1748 shows a clear resemblance.[83] It is proof that in the general relations—of course aside from references to a Con-

81 *Doc. Hist.*, 57.
82 *Ibid.*, 30, 34, 38.
83 *Ibid.*, 20-1.

stitution and other matters of later growth which could not be thought of in 1748—the same principles of the relations between ministers and the ministerium continued.

To guard against entrance into the body of those from Europe who might or might not be worthy, the same protection in this respect is taken in Sec. 5 as had been decided upon in 1749.[84] Also to guard against unfair objection to membership for personal reasons it was provided (Sec. 6: clause 5) that only "well-founded reasons" and urgency of conscience should be considered valid ground for opposition. The whole relation of minister to ministerium may be said, in conclusion, to have been one of subordination, accommodation and respect of the former to the latter. The individual gave up, voluntarily of course, a certain liberty and freedom of action, in exchange for the protection, prestige and utility of the body.

Chapter Fifth: "Of the Meetings of the Synod and the Business Transacted Thereat." Provision is made for an annual meeting. This carries out the purpose of 1748[85] which was re-affirmed in 1760.[86] So far as circumstances permitted this had been adhered to. Attendance upon meetings is required or valid excuse is to be made. In this respect it can be said that it had been the practice of members to make every effort to be present or to send their excuses. Arrangements are made for the entertainment of ministers and the keeping of their horses by the "Pastor Loci," or at the expense of the common Treasury, or by contributions. While the providing of entertainment must have been the practice earlier, especially in the country, by force of circumstances, evidence of such a practice is found at the meeting of 1769[87] in Philadelphia. But it is also stated that at that time delegates of the United Congregations had to pay for their own entertainment.[88] Provision

84 *Ibid.*, 26.
85 *Ibid.*, 12.
86 *Ibid.*, 49.
87 *Ibid.*, 104.
88 *Ibid.*, 105.

for a common daily dinner to be provided from the common Treasury is made for the ministers. Hours of the business sessions, and appointment of religious and devotional exercises during the convention are specified. A program of business is to be prepared by the President, but every minister may add items. This seems to follow a custom first adopted in 1770.[89]

No provision is made for a Treasurer, but a common Treasury is mentioned and Sec. 13 refers specifically to financial accounts of the President and the Secretary. Before this there is no evidence of a treasury or of financial operations except in the cases of distributions of funds from Halle which Muehlenberg made on several occasions.[90] The delegates of the congregations are guaranteed separate hearings of matters of complaint which they have to bring to the attention of Synod. Throughout the whole history of the organization this practice had been followed.[91] The President is required to submit all letters referring to congregational matters, and received by him, to the consideration of Synod.

The delegates are heard in inverse order of the proximity of their homes to the place of the meeting of Synod. This can have but one meaning, namely, that they may lose as little time possible in getting home. Consequently, if this be the correct assumption, lay delegates have no voice nor vote in the meetings, and while their presence is allowed, it is not required nor urged. This is in accord with the practice from the beginning, certainly after 1760, as many instances in the minutes show.[92]

Provision of details for conducting the sessions, for licensure and ordination are further made in Chapter 5th, as well as for the order for the subject of investigations, process of investigation, and decision in complaints brought against ministers. In all these a definite formulation of

89 *Ibid.*, 121, 130.
90 *Ibid.*, 146, 155.
91 *Ibid., passim.*
92 *Ibid.*, 131.

practices, some of them from 1748, is to be seen. After the matters of business have been disposed of the ministers come together to confer as to the blessings and the difficulties in their work; to give reports of ministerial acts and church membership, and to hear read excuses for absence and the diaries of the licensed candidates.[93] Then follow examinations, granting or extension of licenses, or decisions on ordinations. In Sec. 31 definite requirements are laid down as to place and circumstances of ordination. The election of the President and the Secretary and the fixing of the time and place of the next meeting are the items reserved for the close of the meeting. As the inference is that the delegates may have left, the conclusion is that they have no vote in these matters.

Chapter Sixth: "Of the Conduct of Ministers in their Official and Other Relations." Ministerial comity is defined, also ministerial character. Every minister must endeavor to introduce into the congregation which he is serving a constitution like that used generally, and such must not conflict in any point with the Constitution of the Ministerium. The doctrinal prescription for ministers is laid down and the promise to use the Liturgy already introduced is made.[94] Licensed candidates are required to keep a diary which is to be handed over at each meeting of the Synod.

CONCLUSIONS.

Thus is briefly described the first written Constitution of the first Lutheran Synod in America. Officially and practically this Synod was a "Ministerium." But every meeting was also declared to be "A Synodical Meeting."[95] It was the first step in synodical organization in a land under a political and social system different from any under which the Lutheran Church had ever had synodical bodies. The organization was indeed a "Ministerium"—

93 *Ibid.*, 21; 63, 4; 71.
94 *Ibid.*, 21.
95 *Ibid.*, 165.

an association of ministers, but these were active and qualified only by virtue of their being pastors of congregations. Therefore the congregations were drawn together and put into at least a quasi-synodical relation.

There is no reason to believe, and no evidence to show, that the pastors intended that this lack of lay participation in important matters should continue indefinitely. On the contrary, the development of the congregational constitution through the work of Muehlenberg for St. Michael's Church, Philadelphia, (this is doubtless the constitution referred to in Chapter Sixth as the model) showed a very definite movement toward lay participation.

How and why the Constitution in force in 1781 came to be revised and superseded by the Constitution of 1792 are questions which will be considered in the next chapter.

CHAPTER III.

A PERIOD OF DISTRICT SYNODICAL ORGANIZATION, RE-ORGANIZATION, AND DEVELOPMENT, 1781-1829.

At the conclusion of the last chapter it was proposed to answer the questions, "How" and "Why," the Constitution of 1781 of the Ministerium of the Evangelical Lutheran Church of North America came to be superseded by the Constitution of 1792. An effort to answer these questions is now in order. In the study that follows attention will not be confined to the development of the polity of that body, for even before the revision of its first written constitution was accomplished another synodical body was organized. Shortly after, movements for synodical organizations in other quarters began, and by 1829 nine synods had been organized.[1] Each of these bore the name of a state—in one instance, two states—but each showed a purpose to care for neglected areas, and even to extend beyond the limits of the designated state by adding the qualifying expression, "and Adjacent States."[2]

The political development of the new nation, as well as certain practical demands, made necessary changes in ecclesiastical organization. In this connection an opinion of Dr. H. E. Jacobs is in point.[3] He said,

The Colonies had to become States, and so the German Lutheran Churches had to be gathered into state organizations of American

1 Synods of Pennsylvania, New York, North Carolina, Ohio, Tennessee, Maryland and Virginia, South Carolina, West Pennsylvania, and Virginia. This last was organized from churches in Virginia who separated from the Synod of Maryland and Virginia in 1829. In that same year the remaining churches in Maryland changed the name of the Synod to that of the Synod of Maryland.

2 *E. g.* "The German Evangelical Congregations in Pennsylvania and Adjacent States," as in the Constitution of 1792, and "The Evangelical Lutheran Ministerium of the State of New York and Adjacent States and Countries," as in the revision of 1816.

3 Interview, July 11, 1925.

Lutheran Churches (Synods,) just as the Church of England had to be supplanted in America by the Protestant Episcopal Church, with the congregations organized into dioceses by States.

Aside from the suggestion hereby made as to the units of organization, which is of first consideration here, notice ought to be taken of the intention of Dr. Jacobs to stress the necessity of so organizing and directing churches of immediate foreign origin as to make them truly American in form and practice. The period the study of which is entered upon at this point, may also be understood to have been one of Americanization in large sections of the Lutheran Church in America, as well as one of organization into district synodical bodies.

Adopting the arbitrary method of studying the course of development of each district synod to the designed end of this period, the development of the Ministerium of New York will be the first concern.

BEGINNINGS OF THE MINISTERIUM OF NEW YORK.

The first steps toward a definite organization of the Lutheran Church in New York State appears to have been by Frederick A. C. Muehlenberg who was pastor in New York City, 1773-6.[4] A meeting was in all likelihood held in April, 1775.[5] Nothing is known to have come of this, however, and a very satisfactory reason may be found in the forced withdrawal from the city on the part of Muehlenberg due to his ardent patriotic convictions.[6] By the time for a meeting in 1776 the War of the Revolution was on in earnest and in the summer of that year Washington was fighting to

4 Nicum, *Geschichte des Evangelische-Lutherischen Ministeriums vom Staate New York und angrenzenden Staaten und Laendern.*, 47: "Hymn and Prayer-Book," collected by J. C. Kunze, Appendix, 143. Nicum, *Ibid.*, "Hr. Dr. Mann schreibt uns: 'Die erste Andeutung eines zu bildenden New York Ministeriums fand ich in einem Schreiben Fr. A. C. Muehlenbergs an seinen Vater, als derselbe im Herbst 1774 sich gerade in Charleston, S. C., befand.'"

5 Nicum, *op. cit.*, 47.

6 Jacobs, *op. cit.*, 300.

maintain his position on Manhattan Island. This position was lost and the British occupied the city of New York. For several years thereafter, moreover, conditions were unfavorable for a resumption of normal activities as a result not only of the peculiar conditions around New York City due to British occupation of the city, but also of the general conditions due to the War. It is easily to be understood, therefore, why the attempt at the organization of the Church, likely begun in 1775, came to nothing for the time.[7]

In 1784 John Christopher Kunze, son-in-law of Henry M. Muehlenberg, was called to New York as pastor of the United Trinity and Christ congregations, both of which had suffered severely during the War. The remnants of both were united as "The Corporation of the United German Lutheran Churches in the City of New York."[8] Kunze came from a pastorate in Philadelphia and was a member of the Ministerium. He knew the value of a general organization of pastors and accordingly in September, 1785, called a meeting of the ministers of New York and New Jersey[9] to consider the formation of a Ministerium. Whether this meeting was ever actually held is not known.[10]

The Protocol of the Ministerium of New York begins with the meeting held at Albany, 23 October, 1786.[11] At this meeting only three of the total number of Lutheran pastors in the State of New York appeared. They were Kunze,

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7 That a meeting was held between 1773-6 seems to be indisputable on the basis of Kunze's statement. When it was held is not established, but Nicum's statement as to April 1775 should not be ignored.

8 Jacobs, *op. cit.*, 300; Hull, "The Lutheran Church in the Courts," in *The Lutheran Church Review*, 6:296-324.

9 Nicum, *op. cit.*, 48.

10 *Ibid.*, 412, in a review of the Minutes of 1807, notes two references to the point of Kunze's having served as president of the Ministerium for 22 years. These together with a reference in the Minutes of the Ministerium of Pennsylvania for 1786, (*Doc. Hist.*, 210) may be interpreted to mean that the meeting of 1785 had indeed been held, and that a period of ten years intervened between the meeting called by F. A. Muehlenberg and this first of an unbroken series of synodical meetings).

11 *Ibid.*, 48, 401-2, and whole of Chapter 6.

Moeller, and Schwerdfeger, representing congregations in New York, Albany, and Feilstown (New Brunswick). These three were all in good standing in the Ministerium of Pennsylvania and continued so at least until 1788.[12] All had signed the Constitution of 1781 of the Ministerium of Pennsylvania.[13] But at least eight other regular Lutheran pastors within the territory stood aloof. Most of these did so by reason of their opposition to Halle and all that it stood for.[14] Of the more than twenty-five congregations in the state only two were represented by lay delegates.[15] However, the organization had a mission and so made an appeal. "It had not existed ten years before all the congregations and right-minded preachers had joined" it.[16] In the first ten years of its existence, thirteen ministers joined.[17]

CONTENTS OF THE MINUTES OF THE FIRST RECORDED MEETING.

Looking more closely at the protocol of the first meeting of the Ministerium[18] at which those who gathered considered themselves to be "nur als eine Committee der Evangelischen Kirche in Neuyork Staat anzusehen,"[19] the following conclusions are seen to have been arrived at: (1) Future meetings were to take place at the call of the President; (2) Every congregation was to send a lay delegate who should have seat and vote—Sitz und Stimme—even as the pastors had, except in matters of the examination of ministerial candidates and investigation of charges against pastors; (3) Pastors not uniting with the body were not to be recognized nor accepted by the congregations connected with the body; (4) The "Ministerial Order" of the Pennsylvania Synod was to be followed until changed by vote; (5)

12 *Doc. Hist.*, 219, 20, 22.
13 *Ibid.*, 176.
14 Jacobs, *op. cit.*, 310.
15 Nicum, *op. cit.*, 48, 52.
16 *Ibid.*, 53.
17 *Ibid.*, 54; Jacobs, *op. cit.*, 310, 1.
18 Nicum, *op. cit.*, 54, 401-2.
19 *Ibid.*, 401.

The President was to have the same power as the President of the Pennsylvania Synod. To this office Kunze was elected.

THE CONSTITUTION OF 1796.

Of special interest here is an understanding of the distinctive features of the Ministerial Order (Constitution) of this second Lutheran Synod in America. As just noted, the first Order was that of the Pennsylvania Synod in force in 1781, with some modifications, notably the provision for the meetings of the body at the call of the President. In the Pennsylvania Order the provision is for annual meetings, regularly to be determined as to time and place by the Ministerium itself.[20] Another notable modification is the provision for the "seat and vote" to lay delegates. By the Pennsylvania Order the lay delegates were virtually without either, and their capacity was wholly advisory.

When in 1792 the Pennsylvania Synod revised its constitution—see below for details—the resolution to follow the older body was renewed. In keeping with the spirit of the resolution the Order of the New York Ministerium was immediately amended in a few points but in 1794 it was further changed and finally adopted as the "Ministerial Order of the Evangelical Lutheran Ministerium in the State of New York and Adjacent Lands (Countries)."[21] This Order and the Constitution of the Pennsylvania Ministerium of 1792 were in part the work of the same hand, for Kunze had membership in both bodies and was likely instrumental in including the provision that such dual membership was permissible.[22] He had played a prominent part in constitution-making in Pennsylvania and as a leading member of the New York Ministerium must have shown the same influence there.[23]

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20 *Doc. Hist.*, 170.
21 Nicum, *op. cit.*, 54-61.
22 *Doc. Hist.*, 259; Jacobs, *op. cit.*, 311.
23 See below, pages 70, 1; *Doc. Hist.*, 244.

THE DEVELOPMENT OF THE MINISTERIUM OF PENNSYLVANIA, 1781-92.

In order to understand the Constitution of the New York Ministerium as adopted in 1794, it will be necessary to digress at this point and consider the development of the Pennsylvania Ministerium from 1781 to 1792, with particular emphasis upon the constitution adopted by that body in the latter year.

The written protocol of the Ministerium of Pennsylvania begins with the record of the convention of 1781.[24] Into the minute-book then opened the Constitution as it was in force in that year was transcribed. At the convention in June, 1782, "the Constitution of the Ministerium was again read and signed after a few slight changes (cap. 2:14; 4:6; 5:30)."[25] These changes are of no consequence in relation to the purpose and interest here. At the same convention it was also resolved "to have the Ministerial Order and the common *Church Agende* printed."

In connection with the convention of June, 1786, there is an interesting resolution[26] in reference to the relations between the Ministeriums of Pennsylvania and New York. It was resolved that if the "United Lutheran Preachers in New York State send a copy of the Protocol of their meeting to the Ministerium, a copy" of the minutes of the latter should be sent in return. In view of the fact that the date of organization of the Ministerium of New York is commonly accepted as 23 October, 1786, this either means that it was in anticipation of what might be done in the future, or is evidence that a meeting had indeed been held in 1785, at the call of Kunze, or that it was a recognition of the existence, though dormant, of an organization in New York which would be dated as having been begun by F. A. C. Muehlenberg at some time between 1773-6.[27]

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24 *Ibid.*, 177 ff.
25 *Ibid.*, 183.
26 *Ibid.*, 210.
27 See above, pages 64, 5.

At the convention of 1787 "it was unanimously resolved, to apply to the authorities for a charter, and Senior Muehlenberg, Pastor Nicholas Kurtz, Emanuel Schulze, Dr. Helmuth, Preacher H. Muehlenberg, Peter Muehlenberg, Esq.; ..... Rawle, Esq., were named a committee to attend to this."[28] Nothing appears to have resulted from this appointment so in 1788 "Synod also considered it necessary to petition the government for a charter," and so,

> it was resolved, that Dr. Kunze, and Dr. Helmuth, Pastor Schmidt and Frederick Muehlenberg, Esq., shall be a committee to draw up a charter for the Ministerium; circulate their draft, and lay it together with the comments received, before the next General Synod.[29]

To this Committee was also entrusted the providing of a seal.[30] Whether or not this committee designed the model of a seal which was accepted in 1791, and which was committed to the preachers in Philadelphia for execution, is not set forth in the minutes.[31]

Agitation looking toward the reception of laymen as members of the Ministerium was first actively carried at the convention in May, 1788. On motion of Pastor Voigt the matter was referred for examination to the committee charged with the preparation of the draft of the charter.[32] That the great political changes of the past dozen years had been affecting church life seems evident from the action

> to examine the Ministerial Order by paragraphs, and to make such alterations or additions as were considered expedient and suitable to our times and needs.[33]

It was an age of constitution-making, of discussion and thought upon formal statements of governing principles in

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28 *Doc. Hist.*, 217.
29 *Ibid.*, 222.
30 *Ibid.*, 223.
31 *Ibid.*, 239. The Ministerium of Pennsylvania was not incorporated until 1854, when an Act providing for the same was approved by the Governor of Pennsylvania, February 17. See *Minutes*, 1853: 14 & 22, and *Minutes*, 1854; 12 & 59.
32 *Doc. Hist.*, 223.
33 *Ibid.*

the political realm. A new era had dawned; provisions out of harmony with the new spirit in political government were questioned. Certain changes, but none of consequence here, were immediately made at this session.[34]

The matter of the reception of laymen into membership in the Ministerium which had been referred to the committee charged with the preparation of a draft of a charter seems not to have progressed. Evidence of this appears from the following:

> A paper from the honorable corporation of St. Michael's and Zion's in and about Philadelphia was read, in which said corporation stated, that in their opinion the general welfare of all the Lutheran congregations would be advanced, if the delegates of the respective congregations had a seat and a vote in every meeting of the Ministerium.[35]

A number of resolutions were then passed by which (1) each of the "United Congregations" was authorized to send one delegate to the next synodical meeting who, under certain restrictions, were to attend the deliberations of the Ministerium, but such must make provision for their own expenses and lodging; (2) Drs. Helmuth and Kunze were to draw up a plan in which the above resolutions would be further defined, which plan these two men were to lay before the next synodical meeting; and (3) these two men were to look over the Ministerial Order and change it as they judged necessary, presenting such alterations at the next meeting. "The result was th(o) rough revision of the Synodical Constitution."[36]

In June, 1792, the delegates from Philadelphia asked the approval of the motion made at the last synodical meeting, viz: "To receive the delegates of congregations as associated members."[37]

Hereupon two plans drawn up by Dr. Helmuth and Kunze were

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34 *Ibid.*
35 *Ibid.*, 240-1. (Convention of 1791). Helmuth and Schmidt were the pastors of these congregations.
36 Jacobs, *op. cit.*, 311.
37 *Doc. Hist.*, 244.

read in the presence of the delegates, stating how in the future delegates of the United Congregations should attend and vote with the preachers.

After the delegates had withdrawn the plans were compared and adjusted, and

it was decided that regular delegates should have seat and vote in the Synodical Meeting, under certain restrictions which are mentioned in the new Ministerial Order.[38]

During later sessions of the convention of 1792 certain other adjustments were made with respect to matters on which there were differences of opinion. There is no definite action recorded of the acceptance of the revised constitution but inasmuch as it was transcribed in the minute book and later referred to as the authoritative basis of the organization it is understood to have been formally accepted and effective.

THE RELIGIOUS ATMOSPHERE IN 1787.

Before studying this revised constitution and noting its contents in comparison with that of 1781, it will be well to notice the religious and moral atmosphere in the country generally, out of which the revised constitution arose. With the death of Muehlenberg in 1787 the prominence of a more liberal theological view-point may be observed. This is specifically for the Lutherans, but a general opposition to authority in morals and religion among those of other churches or none is very marked.[39] Evangelical faith was threatened and those who clung to the old view-point came to recognize fellow-spirits in other denominations as well as their own and to reach out to them for support. Consequently there followed a general breaking down of denominational barriers and the union of Evangelicals of all denominations for the defense of the faith, and the movement

38 *Ibid.*
39 Bacon, *A History of American Christianity,* Chapter 14.

of attack upon the innovators. The leaders of the Ministerium of Pennsylvania fell in with the movement and the confessional position, or better, expression, of the body came to be minimized. As a consequence no doctrinal subscription is included in the Constitution of 1792.[40] But while the Ministerium of Pennsylvania may seem in its official Order to be indifferent to a Confessionalism, it must be noted that its Lutheran consciousness was not stifled nor was sound Lutheran doctrine and practice ignored, for example, in the congregational constitutions, etc. On the other hand, it can not be denied that official silence on so important a matter must have had the effect of weakening its whole position in the eyes of the members, pastors and congregations.

A STUDY OF THE CONSTITUTION OF 1792.

Looking at the Constitution of 1792 in detail, and comparing it with that of 1781, a number of significant differences and also evidences of great advance immediately appear. In the "Ministerial Regulations of the German Evangelical Lutheran Congregations in Pennsylvania and Adjacent States,"[41] in the very title itself certain significant changes are to be noted. It is for *German*[42] congregations in *Pennsylvania* and *Adjacent States*. The Ministerium thus became restricted in appeal and expression of ambition, if not in fact. In 1781 it had a "Constitution of the Ministerium of the Evangelical Lutheran Church in *North America*." Why the restriction and limitation? In answer may be cited the political organization of states federated into a national government, together with the recognition of another synodical body, the Ministerium of New York, which is recognized as legitimately sharing the field of ac-

40 Jacobs, *op. cit.*, 309-15.
41 1792—*Doc. Hist.*, 248-259. 1781—*Doc. Hist.*, 165-175.
42 The word "German" was not erased from the Ministerium's Constitution until 1892, Jacobs, *op. cit.*, 311.

tivity. For the designation of "German" congregations the reason seems to lie in the fear of English domination within the body, which domination was sought to be defeated by constitutional provision. Events were to prove that constitutional provisions could not defeat natural developments and not many years afterward the "language question" was to be bitterly fought over.[43] Thus may be noted the beginning of a problem which many years of experience has not entirely removed from the Lutheran Church in America. In Chapter 1 of each constitution the official name of the body is set forth. In that of 1781 the name was "An Evangelical Lutheran Ministerium in North America"; in 1792 it was "The German Evangelical Lutheran Ministerium in Pennsylvania and Adjacent States." Thus the adoption officially of the designations which are self-explanatory. But in this same chapter in the Constitution of 1781 the ministers themselves and alone constitute the body; in 1792 an important change is to be noted in that the convention of the ministers is set down as a "Ministerial Meeting," and the meeting of the ministers "with the delegates of the United Congregations," a "Synodical Meeting."[44] Thus the petition of the Philadelphia congregations was answered, lay representation was granted in the Ministerium, and the prevailing democratic tendencies of the new nation apparently made their impression upon Lutheran synodical polity.[45] But this was only in accord with the already existing practice in congregational polity among the Lutherans

43 *Doc. Hist.*, 353-4, etc.

44 In the Protestant Churches a characteristic feature of synodical organization has been representation of the laity as well as the clergy. The synodical system extends back into the early church, but it remained for Calvin to introduce lay participation into church deliberative bodies. In America lay representation has become a fixed feature in synodical organization. For a discussion of this whole matter, see A. Hauck, "Councils and Synods," in *The New Schaff-Herzog Encyclopedia of Religious Knowledge*, 3: 279-84.

45 It is a matter of some importance that F. A. C. Muehlenberg and Peter Muehlenberg, both no longer Lutheran clergymen, but both important figures in national affairs were members, as laymen, of the corporation of St. Michael's and Zion's.

and was only the logical expression of principles of church government laid down in Reformation times. These had, however, had little chance to be realized previously, due to the absence of democracy in government in Lutheran lands.

In Chapter II of the Constitution of 1792 a new position of dignity and honor was established, namely, that of Senior. "The oldest and most meritorious" of the pastors was to be elected by the ordained ministers to this position which was to be retained for life.[46] In Chapter III the provisions for the Presidency were revised and enlarged but no change of significance is to be noted in relation to that of 1781 other than the necessary one of presiding over the "Synodical Meeting," as well as over the "Ministerial Meeting." Chapter IV, "Of the Secretary," shows no important changes.

Chapter V, "Of the Members of the Ministerium," presents a development into definite form of what had been formerly only informal practice. Three ranks of pastors are provided for, viz: Ordained ministers, licensed candidates, and catechists. All three of these ranks had been recognized before but now they were formally instituted. A reaction against the authority over the "United Congregations" with which Muehlenberg had regarded himself invested is to be noted in Chapt. V: Art. 1: Sec. 1:

> All ordained ministers are equal in regard to rank or title, excepting the officers spoken of before; they have therefore, in their congregations, no other superintendents but these officers, and these only in so far as this Constitution renders it incumbent upon them, to impart their views and advice to ministers.

The body elects its officers; these officers are bound by constitutional law. The old authority of the European Churches is gone! American principles are established in the Lutheran Church in America!

Chapter VI, "Of the Synodical Meeting," presents some

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46 The title had been employed before, especially to designate H. M. Muehlenberg, but never had been officially provided until 1792.

significant changes, all of which are bound up with the admission of lay delegates to seat and vote. Sec. 2 provides: "The regular members of the Synod are the ordained ministers, the licensed candidates, and the delegates of the United Congregations." Yet while this admission is definitely provided for, safe-guards are erected to forestall lay control. Section 9 provides that only those delegates from congregations served by ordained ministers and licensed candidates are entitled to vote. Section 10 requires that there be no more voting delegates in the synodical meeting than there are ordained ministers and licensed candidates present. By Section 13 it is left optional with each congregation whether to send a lay delegate or not, but ministers had always to be present or present valid excuses. The implication is that the ministers would be as well pleased were there not so many lay delegates present. A study of the rolls of the succeeding synodical meetings shows that for some years thereafter lay representation was small.

Chapter VII, "Of the Ministerial Meeting," sets forth in formal way the provision for a separate and distinct meeting of the ministers in connection with the Synodical Convention. In former times such a meeting was held but it was informal and more of the nature of a pastoral conference than was contemplated in this chapter. Much of the business which was to be transacted under the new arrangement had indeed been transacted in the "Conference" period before 1792. The "Ministerial Meeting" was to take up officially matters pertaining to entrance into the ministry, trial of ministers, etc., in other words, all matters pertaining to ministerial rank.

The Constitution further makes provision for the care of the Archives, describes the seal, and establishes special or district meetings which later were known as "Conferences." This latter practice had been in vogue for many years. Additional articles were adopted at a subsequent convention but these add little of interest here, except that there is a recognition of the possibility and right of other Ministeri-

ums which, having been recognized as such, shall have accorded to their delegates a seat and a vote at the annual meetings, provided that the courtesy is returned.

CONCLUSIONS AS TO THE CONSTITUTION OF 1792.

Viewing the Constitution of 1792 in a general way, certain conclusions may fairly be arrived at. First, it is a well-organized and well-considered document. It is far and away beyond that of 1781 in structure and expression. Reprinted in 1813 it appears to have continued in force without any notable changes until 1841. It was the model after which most of the synodical constitutions of the early nineteenth century were devised, and indeed was on several occasions taken as basis of operation for new synods, especially those which had gone out from it. Secondly, the democratic spirit of the new nation evidently triumphed over whatever old-world ideas might have been in mind with respect to ministerial subjection. There is a clear declaration of ministerial parity. Thirdly, the same spirit called forth the participation of the lay delegates of the several congregations in the control of the church. Finally, if there is evidence of a backward step, and a disregard of a spirit of American nationality in the provision for the emphasis upon the German, the framers at least ought not to be criticised as short-sighted and narrow in their point-of-view in restricting the scope of the organization to "Pennsylvania and Adjacent States," for the distinct organization of communities into states and territories, as political units, probably had its effect.

Having studied the Constitution of 1792 of the Ministerium of Pennsylvania it will now be in order to return to the story of the development of the Ministerium of New York. For this preparation has thus been made to understand what changes, if any, were carried by this body when it drafted a constitution after the Ministerium of Pennsylvania had adopted that of 1792.

THE CONSTITUTION OF THE MINISTERIUM OF NEW YORK OF 1796.

After the sufficiently full account of the proceedings of the synodical meeting of 1786 of the Ministerium of New York it is a matter of surprise that the protocol did not record an account of the meetings again until 1792. But in 1792[47] the record begins again. At this convention the Ministerial Order of the Ministerium of Pennsylvania was accepted with a few changes just then made and the pastors were ordered to lay the matter before their congregations for final decision. It was agreed that only the parts accepted at the next convention should be in force. In 1793 on account of the absence of President Kunze the consideration of the constitution was deferred and it was agreed to continue to hold to the Ministerial Order of the Ministerium of Pennsylvania until a later convention. In 1794[48] the simple statement is made that the Ministerial Order was again taken up. No record for 1795 is found, but in 1796 the statement is made that the completely adopted Ministerial Order was read and that all were to be required to subscribe to the same.[49] Thus after much deliberation and the submission of the document to the consideration of the congregations—thus striking a new note in Lutheran polity —the Ministerial Order was finally adopted and became effective.

CONTENTS OF THE CONSTITUTION OF THE MINISTERIUM OF NEW YORK OF 1796.

This "Ministerial Order of the German Evangelical Lutheran Ministerium in the State of New York and Adjoining (Adjacent) Countries," as finally adopted[50] differs in

47 Nicum, *op. cit.*, 403.
48 *Ibid.*, 404.
49 *Ibid.*
50 *Ibid.*, 55-61.

only a few points—but some of these are important ones—from that of the Ministerium of Pennsylvania as adopted in 1792. That this similarity exists is to be expected when it is remembered, as was pointed out above,[51] that Dr. Kunze had a hand in the construction of both. Further, some of the other members of the Ministerium of New York still held their membership in the Ministerium of Pennsylvania. Even if formal membership was not continued, or if there had been no other formal relationship, the ideas of the mother-synod would have been sufficiently strong to have influenced a daughter-body profoundly. Still further, the same general conditions had to be faced, and the same problems had to be solved.

The first difference that is to be noted is that in the Order of New York the offices of Senior and President, divided in Pennsylvania, are united, and whereas the Senior alone has life-tenure by the Pennsylvania Order, this privilege, by the New York Order, goes to the individual holding both honors. The second notable difference between the Orders is that that of New York provides—Chapter IV—for only two orders or ranks of ministers, the rank of catechist not being recognized as in the Pennsylvania Order. Concerning licensed candidates, no provision seems to have been made in the former for allowance of their presence at the Ministerial Meeting, although they are required to attend the Synodical Meetings.

Aside from the changes noted above the Constitutions of the two bodies are alike in all other essentials, and even the exact likeness in expression is to be found in many instances. The Constitution of the Ministerium of Pennsylvania is indeed more inclusive but that of New York is sufficiently so to make it an excellent example of a carefully worked out body of regulations whose worth is easily recognized. It was translated into English and published in 1803[52] with few and unimportant changes. It was adopted

51 Page 67.
52 Nicum, *op. cit.*, 61.

as revised 3 September, 1816, and remained in force beyond the period of interest here.

FURTHER DEVELOPMENT OF THE MINISTERIUM OF NEW YORK.

Considering the line of development of the Ministerium of New York to 1829 a study of the protocol reveals a slow but steady growth.[53] Questions arose to vex the leaders and some of these were large in their consequences. The language question was introduced there as in Pennsylvania with the same unsatisfactory results. But the greatest danger to the strength and well-being of the body was the rationalistic theological opinion which came to characterize the Synod, although doubtless the body of the people and pastors did not incline very far in that direction.

In 1803, as has been noted, the constitution was translated into the English language and printed. After 1807 the Proceedings of the Synodical Meetings were in English until at a very much later date when the German again became the official medium of expression. After 1807 a new spirit came to reign. Kunze had died and his leadership fell to Dr. Quitman, a progressive but rationalistic pastor, who was anxious to revise the thought and life of the church. In 1809[54] it was resolved that the constitution should either be radically changed or else a new one should be drawn up. The committee to care for this matter consisted of the Revs. Quitman, Geissenhainer and Williston. There was no convention in 1810, but in 1811 Wackerhagen, who, however, was not a member of the committee, presented a draft for a new constitution. On account of the War there was no convention in 1812. In 1813 it is said that Quitman, Geissenhainer and Mayer "are a committee" for planning and publishing a new constitution.[55] At this convention an Eastern and a Western Conference were pro-

53 *Ibid,* 404-23.
54 *Ibid.,* 413.
55 *Ibid.,* 414.

vided for. No ministers appeared for a convention in 1814 but in 1815 a meeting was held at which the separation into two conferences was revoked and Wackerhagen, Quitman and Mayer were appointed to draw up a new constitution, to be ready at the next synodical meeting. The next year the plan for the new Ministerial Order (Constitution) was presented, considered, and accepted with a few small changes; was signed, and ordered to be printed. It was not, as had been the earlier constitution, placed before the absent pastors and the congregations for approval. A comparison of this paper with that whose place it took is now in order.

A STUDY OF THE CONSTITUTION OF 1816.

The Constitution of the Ministerium of New York of 1816[56] is an elaborate document, entering into detail as to regulations and including many provisions which would ordinarily be found in a set of By-Laws. A number of significant changes are to be found in Chapter I, "Of the Title or Name." Instead of ministers alone forming the associating group, "Ministers and Representatives of Evangelical Lutheran Churches in the State of New York," form the body which is to be known as "The Evangelical Lutheran Ministerium of the State of New York and Adjacent States and Countries." In keeping with the tendency of the time the word "German" was dropped from the title and in Chapt. IX: Sec. 1 it is specified that all official papers shall be in English. It is to be noted that the provision for the dual position of Senior and President is abolished,[57] and the President of the Ministerium holds office for a term of three years, but is eligible for re-election.[58] He is given the au-

56 *The Constitution of the Evangelical Lutheran Ministerium of the State of New York and Adjacent States and Countries. Revised and adopted in General Synod, September 3, A. D. 1816.*

57 But see *Extracts from the Minutes*, 1826, 7 & 8, for evidence of the use of "Senior" as an honorary title.

58 Chapt. II:Sec. 2.

thority of counsel and admonition[59] but has no authority of direction or compulsion.[60] For the first time in the history of the two older synods provision is made for a Treasurer.[61] However, by deduction from these provisions, it would appear that financial operations were not new in the Ministerium.

In Chapt. V the parity of the ministers is clearly set forth.

'Each is to be regarded as the Bishop of his own church'; 'all ordained Ministers are perfectly equal as to rank, title and privileges, having no power, the one over the other'; 'they have no overseer in the respective congregations.'

Synodical authority seems to have declined a great deal since the days of Muehlenberg if Chapt. V: Sec. 5 is taken as an example:

'Each minister has a right to adopt such regulations in his own congregation, as circumstances may require,' etc.: 'Each minister has a right to leave one church and remove to another,' but 'he must give the President timely notice of his intended removal.'

Doctrinal and confessional requirements appear to have passed entirely away since in Sec. 10 provision is made for receiving ministers from other denominations without reordination if the Ministerium is satisfied that any such "is a man of piety and unexceptional character, and that he possess the literary and other qualifications." Under Chapt. VI, in relation to "Candidates for Holy Orders," the examination and evidence required for ordination are of the same nature.

Chapt. VII, "Of Lay-Delegates, or Representatives of Congregations in the Synod of the Ministerium," recognizes the independence of separate congregations but at the same time also recognizes the need of each of these of mutual counsel and assistance. Accordingly, in order that common measures for promoting knowledge and religion may be entered into and that the rights of the congregations may be

59 Chapt. II: Sec. 10.
60 Chapt. V: Sec. 1.
61 Chapt. IV.

protected, the churches connected with the Ministerium are entitled to representatives in its Synods through delegates. However, congregations are to be limited in representation by seated and voting delegates to the number of settled pastors or licensed candidates, but provision is made for the reception of commissioners under any circumstances for special purposes. Lay delegates must be properly certified to have the right to all privileges of the house except the examining, licensing, or ordaining of candidates and the admission to or exclusion from the ministry, "and the discussion of weighty articles of faith or cares of conscience." Continued representation by congregations in the Ministerium is dependent upon submission to the recommendations and resolutions of the body and upon sharing all expenses and services designed for the welfare of the associated churches and the advancement of the common cause, if such congregation has been represented by a delegate in the synodical meeting at which time the action in question was taken.

Chapt. VIII, "Of the Synod of the Ministerium," provides for annual meetings in general synod, and special meetings by proper call. The Synod is composed of the Ordained Ministers, Candidates, and Lay-Delegates. Regular attendance is demanded of ministers and candidates and absence from three consecutive meetings, for which absences no apologies are made, constitutes a withdrawal from membership. A synod shall be organized if but four ordained ministers and four lay-delegates appear at the time appointed. After the synodical business is finished a meeting of the ordained ministers and candidates shall be called. This is the "Ministerium," or the "Ministerial Meeting." At this all matters upon which the lay delegates are not permitted to vote are considered; also consultation, discussion, and inquiries on matters of common interest are to be taken up.

Under Chapt. IX, "Miscellaneous Articles" are included. In this stipulation of the English language, with provision

for necessary translation into German, is made. Rules for the care and consultation of the Archives, and the description of the seal are laid down. Exchange of commissioners or delegates with other Evangelical Lutheran Ministeriums in the United States is provided for. Finally, a method of amendment is set down. Then follows the form of subscription.

This evidence of greater attention to the formal and careful organization of the Church in New York State was followed in 1817 by a proposition[62] to secure Articles of Incorporation for the synod such as the Episcopal and Dutch Reformed Churches had. The congregations were asked to send in their opinions as to the desirability of such a course. At the convention of 1818 it was announced that the majority of the congregations were not in favor of incorporation.[63] So nothing was done.

FURTHER DEVELOPMENT OF THE MINISTERIUM OF NEW YORK TO 1829.

At the convention of 1819 the Rev. J. C. Yager was received as Deputy from the Lutheran Synod of Pennsylvania.[64] He was present in the interest of a proposed *Plan* to affect a union of all the synods of the Lutheran Church in the United States, which *Plan* was then being sponsored by the Synod of Pennsylvania. The New York Ministerium appointed a committee to study this *"Plan-Entwurf"* and report. The committee after consideration reported that the *Plan* was not to be accepted; and recommended that the exchange of delegates between synods, such as their body provided for in Chapt. IX: Sec. 4 of its constitution, and the appointment of standing synodical committees of correspondence be the means of future co-operation and relationship. This report was accepted.[65] However, in August, 1820, it was decided to send two members of the synod to attend a meeting when the "plan for the formation of a gen-

62 *Minutes*, 1817:4.
63 *Minutes*, 1818:2.
64 *Proceedings*, 1819:5, 6.
65 *Ibid.*, 1819:8-12. A fuller study of New York's attitude toward a General Synod will be made in a later chapter.

eral or central Synod should be discussed."[66] This meeting was held in Hagerstown, Md., October, 1920. In May, 1821, the Constitution proposed for this General Synod was considered and it was decided[67] that the ministers and vestries of the congregations of the Synod should transmit their decisions concerning it to the President of the Synod before 15 September. At the convention in August, 1822, the

> Secretary stated that but few congregations had sent in their declarations concerning the General Synod..... and that a majority of the few who had expressed an opinion on the subject had deemed the proposal inexpedient for the present.[68]

But[69] Rev. Lintner gave notice that during the present session he would move for a reconsideration of the vote on the subject of a General Synod. At a later session[70] it was resolved that the President be requested to lay before the next Synod a report as to the decisions which he received from the different church councils on the subject of the proposed union with the General Synod. In the *Extracts from the Minutes,* 1823, no mention is made of any such report being given so it is fair to conclude that no action of any importance or weight was taken. In 1826 the Rev. Mr. Lintner moved that the Constitution of the General Synod be adopted and that the Ministerium unite with that body. Previous to this motion the Constitution had been read which it had been agreed by the convention adopting the same at Hagerstown, Md., in October, 1820, to submit to the attention of the several ecclesiastical bodies of the church. After considerable discussion consideration of the subject was deferred until the next day's session.[71] The next day[72] the matter was decided to be indefinitely postponed.[73]

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66 *Minutes*, 1820:9.
67 *Extracts from the Minutes*, 1821:10.
68 *Minutes*, 1822:5.
69 *Ibid.*, 6.
70 *Ibid.*, 17.
71 *Extracts from the Minutes*, 1826:16 & 17.
72 *Ibid.*, 21.
73 The question of union was up again in 1829—*Minutes*, 1829:9 & 10—and in 1830 it was unfavorably disposed of—*Minutes*, 1830:6. The same year, under Lintner's leadership a number of congregations favorable to the General Synod, withdrew from the Ministerium of New York and formed the Hartwick Synod. This body entered the General Synod in 1831. *Proceedings of the General Synod*, 1831:8 & 9.

At the convention of 1827 the President submitted to the attention of the Synod the utility of an Act of Incorporation for the body.[74] At a later session of the same convention a committee was appointed to

> procure all necessary information in respect to the procuring of an Act of Incorporation; and that they be authorized to report by petition to the State Legislature, or otherwise.[75]

At the convention of 1828 the chairman of this committee reported that they have been informed on competent authority that any such application to the Legislature, as they contemplated in the resolution, would be useless.[76] It was therefore resolved to discharge the committee.

A step toward greater regard for congregations as members of the synod was taken in 1827[77] when a committee was appointed to submit to the next synod the terms and requirements under which congregations might be admitted to the body by lay-representation. Embodied in this same resolution was the decision to have prepared a mode of proceeding in cases of impeachment of any of the clerical members of the synod. No record of a report of this committee or of any further action on this resolution is at hand.

Thus has the course of development of the Ministerium of New York been traced from its beginning to the end of the period of interest here—1829. It is evident that the period of doubt as to the permanency of an organized church body of Lutherans in New York State had passed and that the Ministerium of New York was finally established with the promise of wide usefulness. The clerical roll, as well as that of the congregations, had grown and the interest of the churches and the laity in the organization was real. It is notable that for many years prior to 1829 the lay representation was roughly equal in all conventions to the clerical representation. The same could not be said of certain

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74 *Extracts from the Minutes*, 1827:8.
75 *Ibid.*, 16.
76 *Extracts from the Minutes*, 1828:10.
77 *Extracts from the Minutes*, 1827:14.

other synods. But great changes were ahead for the New York Ministerium. In 1830 a split was to occur by reason of the desire of a number of pastors and congregations to unite with the General Synod. Accordingly, the Hartwick Synod was formed. Thus began the unhappy division in New York Lutheranism which is still the bane of the church in that State to-day. Yet a new era of growth was opening up, especially for the old Ministerium. A new stream of immigration was soon to flow from Germany and the number of the churches and of the members thereof was to be greatly increased.

DEVELOPMENT OF THE MINISTERIUM OF PENNSYLVANIA, 1793-1829.

Having studied the development of the synodical life of the Ministerium of New York to 1829 it is in order now to return to consider the course of development in the Ministerium of Pennsylvania, picking up the threads of the story with the year 1793, or immediately after the revision of the constitution which has been studied above.

At the convention held in 1793 the Ministerial Order (Constitution) was again considered and

> various additions to the Ministerial Order were proposed and accepted, and it was resolved that they be printed as an appendix.[78]

Doubtless these were the "Additional Articles to this Regulation of the Ministerium" as attached to the Constitution of 1792.[79]

Chapt. IX of this constitution seems not to have been put into effect until after the action of the convention of 1801 when it was

> finally decided and resolved, to divide our United Congregations into the following districts, in which a special meeting shall be held at least once a year at the places herein appointed.[80]

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78 *Doc. Hist.*, 263.
79 *Ibid.*, 259.
80 *Ibid.*, 319 & 20. A list of districts, etc., is included in the resolutions given therein in full.

While it is true that the matter of district organization was not of the highest importance, it is nevertheless not without significance that the constitutional provisions were nine years in being put into operation. Obedience to authority and conformity to adopted regulations do not appear to have been especially important in the eyes of the churchmen of that day.[81] It is also to be observed that after successfully carrying the demand for representation in the synodical meetings, the laymen showed their real attitude of indifference by neglecting their duties so that in Pennsylvania during this period the attendance of lay delegates was generally very small.

Although there was no constitutional provision for the office of Treasurer, one was elected in 1804 and he made his first report of congregational contributions in 1806.[82] At this same time another matter of far-reaching importance first became agitated. At the convention of 1805 a letter from Philadelphia, signed by certain laymen, opened up the whole question of the introduction of the English language. A committee was appointed whose recommendations were unanimously agreed to. These were, in effect: (1), that the Ministerium of Pennsylvania remain a German-speaking body; (2), that English-speaking Lutherans may form separate congregations; (3), that the Ministerium recognize such congregations and receive their delegates and preachers. It was then moved, "that the above three propositions in the report of the committee be regarded as a supplement to our Constitution, and be added to it."[83] This action which must appear to people of the present day as narrow and short-sighted must also have appealed as at least questionable to men of that day as a note in the protocol reveals, namely,

A note will not, we hope, be taken amiss. This Synodical Meeting

81 Jacobs, *op. cit.*, 324-6. Statement of conditions referred to and other evidences of a deteriorated church life.
82 *Doc. Hist.*, 345:362 ff.
83 *Ibid.*, 352-4; *Ministerial-Ordnung* as reprinted in 1813:29.

was one of the most remarkable. Its history is worthy of being preserved for posterity. The ruling presence of the Lord was evident. Earnest and heartfelt prayer—so many men present—and, as is easily imagined, great differences of opinions and inclinations—new and important matters to be treated of—and yet the love of peace prevailed; and all business was transacted with a wonderful harmony and unanimity. Due praise be to the glory of God.[84]

The period, 1805-1818, shows no evidence of constitutional development or change, but it is one which ought not to be passed by in silence. It was a period of numerical growth and internal strengthening. Missionary interest was stirred and activities in that respect were furthered through the agency of the "travelling' missionaries. The *"Evangelisches Magazin"* was begun and continued between 1811-1817;[85] active interest in a Bible Society was shown, and a movement was made toward the establishment of a seminary in union with the Reformed Church. Among a certain element, at least, a spirit of progressiveness and zeal for great accomplishment can be discerned.

The grand example of a purpose and zeal for advancement was in the impetus given to the establishment of a general union of the Lutheran Synods then in existence in the United States. At the convention of 1818[86] the following resolution was passed:

that the Synod thinks that it were desirable if the various Evangelical Lutheran Synods in the United States were to stand in some way or another in closer connection with each other, and that the venerable Ministerium be charged to consider this matter, to prepare such a plan for a closer union, if the venerable Ministerium deem it advisable, and to see to it that this union, if it be desirable, be brought about, if possible.

In furtherance of this, at a later session of the same convention it was resolved,

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84 *Doc. Hist.*, 360.
85 *Ibid.*, 428.
86 *Ibid.*, 517.

that the officers of Synod shall contribute (sic) a corresponding committee to bring about, whether practicable, a union with the other Evangelical Lutheran Synods in the United States.[87]

Inasmuch as the immediate concern at this point is to trace the internal development of the Ministerium of Pennsylvania, the part of the Ministerium in bringing about such a union, and its early withdrawal from its fellowship after it was formed, will not be entered upon here but will be considered under the division below which is specially concerned with the study of the origin and development of the General Synod.

THE CONFERENCES.

A feature of synodical development that was to have an important influence upon the size and strength of the Ministerium was the District Conference. As has been shown, the constitutional provision for division into conferences was finally put into effect in 1801. At that time seven districts were set off, grouped thus: those congregations about Philadelphia, Easton, Lancaster, York and Baltimore, respectively, and a district in Virginia, and a western district.[88] After a decade had passed these district or special conferences had assumed "synodical proportions" and were "gradually growing into synodical organizations."[89] In several instances the conferences were progenitors of synods. Before 1829 the Mother-Synod lost three important sections of her possessions: in 1818 the western churches withdrew; in 1820 those in Maryland and Virginia, and in 1825 those west of the Susquehanna.[90]

THE END OF THE PERIOD.

In the period, 1818-29, nothing of great moment in inter-

87 *Ibid.*, 522.
88 *Ibid.*, 319, 20.
89 Jacobs, *op. cit.*, 335.
90 Details of the withdrawal of all of these will be given below when the organization of these synods is studied.

nal growth and development of the Ministerium is to be observed. As has just been noticed, three groups of churches broke away and became, each one, the nucleus of a new synod. But the divisions were not productive of bitterness and enmity, at the time, and all three children seem to have remained on excellent terms with the mother. If, during this period, nothing of great moment is to be observed, certainly a vigorous and useful career was being pursued by the synod. To the present-day observer the only blot of great importance on a fair record was the position of aloofness from the General Synod which was assumed after 1823. Generally, in other respects, the synod was doing a commendable work. In home missionary activity this was notably illustrated.[91] No changes in constitutional arrangements appear to have taken place during this period. A thorough-going amendment of the Constitution of 1792 was not made until 1841.[92] Synodical conventions were taken up for the most part with deliberations concerning ministerial supply and appointment; with receiving reports from delegates to other ecclesiastical bodies; reports on settlements of disputes in congregations, and with schemes and plans for co-operating, and even joining in with the German Reformed Church in important ventures. The reports of the travelling missionaries were important and exhibit a commendable activity in the areas just opening up for settlement in the back country. A mis-proportion of time seems to have been given to hearing of and deliberating upon excuses for absences from the convention. Possibly this is excusable when it is considered that the Ministerium had still to prove itself and to command the obedience and respect of its members. The Ministerial Meeting was regularly held and in this, as the constitution provided, all matters concerning admissions to and exclusions from the ministry were considered, although recommendations for ordination by congregations concerning fitness of candidates

91 See *Verhandlungen* or *Minutes, passim.*
92 *Doc. Hist.*, 248.

and catechists who were then supplying them, were received in the synodical sessions, as well as the complaints or expressions of satisfaction with respect to their pastors. In a word, the Ministerium was, by the end of the period, well established and growing in power and strength. Organization, the *desideratum* of Muehlenberg, had indeed been achieved and under its wholesome influence the Church, as represented in the Ministerium, was prospering.

THE DEVELOPMENT OF THE SYNOD OF NORTH CAROLINA, 1803-29. PRELIMINARIES.

In the study of district synodical organization, the next interest is with the Synod of North Carolina. It must however be noted that a study of the earliest history of the Lutheran Church in North Carolina can not be made apart from that in South Carolina and Georgia. Several settlements of Lutherans and some explorations by them are said to have occurred in the 17th century, but that question need not be entered upon here.[93] More important, and less disputed, Lutheran beginnings in the Carolinas are to be found in the migration of the Palatines who sought refuge from the waste and fury of Louis XIV. Queen Anne of England, moved by their distress, invited them into her realm. Some of them were settled in New York; some came over with De Graffenreid and Mitchell to New Berne, N. C.; some settled in South Carolina, principally in Charleston and along the Congaree, Saluda, and Broad Rivers; others have been traced to settlements in the Orangeburg District and along the Savannah River.[94] In these places they became safely located, and having brought with them all the features of their life in the old home, settled permanently as a blessing to the land. In most cases the settlements were

93 Bernheim, *A History of the German Settlements and the Lutheran Church in North and South Carolina*, 49-67; Hallman, *History of the Evangelical Lutheran Synod of South Carolina*, 19.

94 Bernheim, *op. cit.*, 44.

German, containing both Lutherans and Reformed churchmen.

Another very important foundation of Lutheran church life in the South was laid by the Salzburgers who first came into Georgia in 1734 and founded Ebenezer, twenty-five miles up the Savannah River. These people had been forced from their European homes by the fury of religious persecution.[95]

From these centers direction and oversight of churches spread and as the eighteenth century advanced Lutheran congregations were permanently established in North Carolina, and Georgia. They were also to be found in Virginia and Tennessee but these were largely the results of the migration of pioneering folk from Pennsylvania and represent another line of origin. However, especially in the case of Tennessee, common interest drew all of the southern congregations into close co-operation.

The War of Independence caused great changes in American life. Destruction following the conduct of the War, and the accompanying moral and religious decline brought serious problems to the churches of all denominations. However, the German people in the South, particularly those in the rural districts, were not so profoundly affected by these influences. Yet even among them some effects were to be observed. The greatest of these was the lack of ministers, for only a few remained to serve the churches.[96]

The first attempt toward re-organization of the Lutheran Church in the Carolinas under the new form of civil government was the application of the congregation of St. John's Church, Charleston, to the State Legislature for a charter in 1783. 26 March, 1784, this was received and the congregation was organized as a corporation under the title and name, "The Lutheran Church of German Protestants."[97] Shortly after direct relations with Germany were opened

95 Jacobs, *op. cit.*, Chapt. 9.
96 Bernheim, *op. cit.*, 274-8.
97 *Ibid.*, 278.

and in 1787 the Rev. John Charles Faber arrived, having been called to Charleston.[98] In the same year ministers, direct from Germany, began to come into North Carolina. These were sent by the Helmstaedt Mission Society, of which the Rev. Abbot Velthusen was the leading spirit.[99]

The congregations, especially in North Carolina, were growing and becoming more firmly established but no general organization of any kind appears to have been attempted either there, or in any Southern State, except the unusual "Corpus Evangelicum" or "Union Ecclesiastica." This was formed 13 November, 1787, in Zion's Church, Lexington District, S. C., and was an ecclesiastical body which was to have supervision over all German churches in the interior of the State. It consisted of German Lutheran and Reformed pastors, with lay delegates from the several congregations. The organization was short-lived but its constitution, proceedings, 1787-9, and the Act of its Incorporation are preserved.[100]

THE FIRST LUTHERAN ECCLESIASTICAL ASSEMBLY IN THE SOUTH.

It remained for certain Lutheran ministers in North Carolina to hold the first truly Lutheran ecclesiastical assembly in the South, when in May, 1794, a meeting was held in St. John's Church Cabarrus County. Here Robert Johnson Miller, a Scotchman by birth who had been licensed by the Methodist Episcopal Conference, was "obliged to obey ye Rules, ordinances, and customs of ye Christian Society,

98 *Ibid.*, 281.

99 Just as the *"Hallesche Nachrichten"* contain important information for a study of the work of the Halle missionaries in Pennsylvania, so the *"Helmstaedt Reports"* contain accounts of the work of the missionaries sent by that society to North Carolina. This Society was organized in Helmstaedt, Duchy of Brunswick, by the professors of the Julius Charles University.

100 Bernheim, *op. cit.*, 288-311.

called ye Protestant Episcopal Church in America."[101] It is believed[102] that this was a synodical or conferential meeting designed for this particular purpose, of which Miller had been notified; that it was no mere informal meeting and therefore it is entitled to an important place in the history of the development of the organization of the Lutheran Church in North Carolina.

THE ORGANIZATION OF THE SYNOD OF NORTH CAROLINA.

The movement toward a real and lasting organization came just at the opening of the new century. Two special contributing causes leading to this organization are usually recognized,—first, cessation of interest in North Carolina as a mission field on the part of the Helmstaedt Society; secondly, the recognized need for an organization to take the place of this Society in the matter of support, especially in view of the greatly disturbed religious conditions. These followed a flood of fanatical revivalism which was in turn but a reaction against the moral and spiritual torpor of the years immediately following the realization of national independence. There was also the general reason for such an organization in that the continued existence and future prosperity of the Church depended upon synodical organization. As yet no synod considered that its jurisdiction lay so far south. Therefore the ministers of North Carolina resolved to organize a new synod. Accordingly,

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101 *Ibid.*, 337-9. Miller's case presents a difficult matter to understand correctly. He was ordained by Lutheran ministers as an Episcopalian minister and was rector of an Episcopalian congregation—White Haven Church in Lincoln County. But because there was no Episcopal diocese in the region he became a member of the North Carolina Lutheran Synod when it was organized in 1803. He was at times President, Secretary and Traveling Missionary of the Synod. He later withdrew from the Synod to unite solely with the Episcopal Church. *Ibid.*, 457; *Minutes of the Evangelical Lutheran Synod of North Carolina from 1803-26;* etc., translated by Peschau, cited hereafter as "Peschau," 3, 13, 29, 47, 48.

102 Bernheim, *op. cit.*, 340.

Revs. J. G. Arndt, Carl A. Storch, R. J. Miller and Paul Henkel, together with fourteen lay delegates from the congregations of Revs Arndt, Storch, Henkel, and from vacant congregations

met in a special conference in Salisbury, 2 May, 1803. Pastor Arndt was chosen president and R. J. Miller, secretary. A constitution was proposed for adoption but it was decided to postpone such an important matter until the first annual meeting of Synod which it was decided was to be held on the third Monday in October, 1803, in Lincolnton.[103]

17 October, 1803, the "yearly meeting of the Synod of the Lutheran and Protestant Episcopal Church, from nine counties of North Carolina," was held. In addition to the four ministers present at the "Special Conference," the Rev. Philip Henkel—who was later in the meeting refused ordination because of his youth—was present; also there were lay delegates from the congregations in five counties. The officers which had been elected at the previous meeting were re-elected. The chief, and practically the only, item of business was the consideration of the Constitution which had been proposed for adoption at the "Special Conference." After consideration, item by item, and discussion, it was adopted with the following chief provisions: Art. I. A yearly meeting is to be held on the third Monday in October, but Special Conferences may be called if the welfare of the synod requires it. "In all the business transactions each one can express his opinions freely." Art. II. Membership of the Synod is of two grades, first, ministers; secondly, one lay delegate from each congregation, properly certified. "All the lay delegates from the various congregations served by one pastor taken together, have but one vote." Art. III. Each convention elects its own president. Art. IV. Qualification for doing the work of a minister depends upon written evidence of an "Irreproachable life." Ordination usually is dependent upon "a sufficient and satisfactory acquaintance with the New Testament in the Greek

103 Peschau, 3.

language, his faith (doctrines of the Church) and the Latin language," but the rule might be dispensed with if talents in another direction are offered in substitution. "No candidate shall be ordained anywhere in the congregation which has called him as pastor." Art V. Synod has a duty to assist vacant churches in getting pastors, and in providing supply-pastors for the administration of the Holy Communion for such congregations at least twice a year. Art. VI. Pastors to qualify for service in the churches of the Synod shall qualify by certificate as to regularity of ordination and uprightness of life. Art. VII. Provisions are made for preaching, prayers, and administration of the Holy Communion at conventions of Synod. Art. VIII. The Synod shall contribute to the best of its ability toward relieving the necessities and granting the requests of all "our congregations" in North Carolina and other states. Art. IX requires the keeping of records by the pastors. This constitution was adopted and ordered to be signed by the proper officers.[104] The only other item of business at this convention was the "petition from Mr. Krieson" asking for the ordination of Philip Henkel. The request was refused on account of Henkel's youth.[105]

DEVELOPMENT OF THE SYNOD, 1804-17.

In October, 1804, the Second Convention of the Synod was held and by resolution some additions were made to the constitution, while certain other items of business were transacted. A disciplinary article was passed with reference to any one who "leads openly vicious life." By resolution it was also ordered that the "Twenty-One Articles of the Augsburg Confession be published for the benefit of the Church." It is interesting to note that a resolution set "next March" as the time for a "Special Conference" to consider the propriety of Philip Henkel's going to Lincoln in

104 Peschau, 4-6.
105 *Ibid.*, 6.

Pastor Arndt's place. Surely the ministerial supply was a matter of great moment in their eyes since they called a special conference to deliberate concerning one change. It should be noted, however, that it was "designed to have Philip [Henkel] ordained by this Special Conference." Likely the doubt of the propriety of Philip's taking Pastor Arndt's place was due to his lack of ordination.[106]

As the years passed the life of the Synod continued with little variation so far as can be discerned from the minutes. The usual business of ecclesiastical bodies came before the conventions and was transacted. The number of regular ministers in attendance at the conventions did not grow rapidly, but an increasing number of "candidates" and lay delegates is to be noted. The territory of the Synod grew by admission of congregations in South Carolina,[107] and from Tennessee.[108] Luther's *Catechism* was set as the basis of instruction,[109] but no very strict denominational consciousness or exclusiveness was practiced, although this was indeed growing.[110] An interest in the negro slaves was manifested when it was

> Resolved, that pastors have permission, on the wish and pledge of their Christian masters, to baptize their slaves.[111]

A missionary interest was expressed in the appointment of a "travelling missionary" to be sent out annually, and shortly reports of work in Ohio and Virginia were heard.[112] A movement toward a closer relationship with a sister synod was advanced in 1811 when the Revs. Storch and Shober

> introduced and advocated the opening of a correspondence with the

106 *Ibid.*, 6 & 7.
107 *Ibid.*, 11.
108 *Ibid.*, 13.
109 *Ibid.*, 14.
110 *Ibid.*, 10 & 11: Bernheim and Cox, *The History of the Evangelical Lutheran Synod and Ministerium of North Carolina*, 29 & 30.
111 Peschau, 9 & 23.
112 *Ibid.*, 11, 16, 20.

Pennsylvania Synod, in accordance with the warmly expressed wishes for a closer union with the brethren of our common faith.[113]

A certain pride, as well as the necessity for defense, appears to have called forth the resolution at the convention of 1812,

that our Church Constitution be printed in the English language and that the Scripture passages belonging to each section be printed with the same, so that it cannot be said that we have no Church discipline.[114]

As the Synod grew both in numbers of pastors and congregations, included in at least four states, it became stricter in its regulations. In 1814 it was resolved that failure to send a letter of excuse by any pastor for non-attendance upon the meetings of the Synod for three years should result in automatic expulsion from synodical membership,[115] while in 1815[116] the question of whether a minister could or should leave his congregation to go elsewhere without first ascertaining the opinion of Synod on the matter having been discussed, "all said, no." These may be taken as strong points of evidence for the increased growth and power of the Synod.[117] The rule with respect to a minister's leaving his congregation to go elsewhere had at least one instance of observance which is to be found in the case of Jacob Scherer who in the convention of 1816 asked such permission which upon protest from the delegate from his congregation Synod denied.[118] Then, too, in 1817[119] it was decided that

no book shall be introduced into the public service in our churches without first being endorsed by Synod, and this endorsement be inserted in the book.

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113 *Ibid.*, 15.
114 *Ibid.*, 17.
115 *Ibid.*, 22.
116 *Ibid.*, 25.
117 In 1816 a list of "ministers in our connection," totalled 24—8 pastors, 9 candidates, and 7 catechists. *Ibid.*, 28, 9.
118 *Ibid.*, 29.
119 *Ibid.*, 33.

At the same convention a candidate was dismissed from the Ministerium and it was resolved that if any congregation of the body should take him as pastor, the congregation would thereby automatically expel itself from the synodical connection.[120]

THE REVISED AND ENLARGED CONSTITUTION.

At this same convention the synodical name was adopted and the synodical constitution was revised and enlarged. The synodical name was then, "The Evangelical Lutheran German and English Synod of North Carolina and Adjacent States."[121] In Art. I of the Constitution[122] a confessional basis is laid down definitely for the first time in American Lutheran History. The Twenty-One Articles of the Augsburg Confession are declared to be the points of union for the Lutheran Church, and "every minister before ordination, pledges himself to the same."[123] Art. II sets forth that the Synod consists of ordained ministers and candidates for the ministry, and is to meet annually on Trinity Sunday, in rotation of counties.[124]

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120 *Ibid.*, 32.

121 *Ibid.*, 33.

122 Shober, *A Comprehensive Account of the Rise and Progress of the Blessed Reformation of the Christian Church*, cited as "Luther," 152-6. At the convention of 1820—see Peschau, 44,—"the Constitution, as it is contained in the book called "Luther," with the exception of principles and rules changed since then" was ratified anew.

123 While confessional requirements had been made in earlier days in the Ministerium of Pennsylvania, they had by this time (1817) been ignored. The minister's confessional subscription was usually embodied in a "Revers," see above, pages

124 This change of time of meeting from October to the Spring of the year was taken in October, 1817. Trinity Sunday, 1819, was set for the next meeting. No meeting was to be held in 1818 owing to short time between October and Trinity Sunday of that year. But —Peschau, 52—it was, in 1822, "Resolved, Unanimously that the second article of the Constitution in the book "Luther" be dropped as far as the same deals with the time when Synod shall be held, for this article was placed there by a mistake." In 1825—Peschau, 62—it was further "Resolved, that the second Article of our Constitution be so changed that every Annual Convention of Synod have the liberty of deciding on the time and place of next meeting."

Art. III provides for lay membership in the Synod, every congregation being given the right to send deputies who, upon proper certification, are entitled to a seat and vote. Art. IV sets forth regulations for voting of lay deputies who have a right to vote by congregations

> so that every congregation has a vote, and the majority decides; but the lay deputies taken together, have no more votes than the number of ministers belonging to our ministry respecting the general concerns.

Art. V determines the officers of Synod and their qualifications. Art. VI sets down qualifications for ordination, and Art. VII provides the method of receiving pastors other than those licensed or ordained by a synod in the United States.[125] In Art. VIII the degrees of the ministry are set down as four: catechist, candidate, deacon, and pastor.[126] Art. IX provides for ministerial service in vacant congregations and for the administration of the sacrament at synodical meetings. Art. X requires ministers of every grade to keep records which are to be reported annually to Synod. Art. XI lays down the duty of catechization by every preacher and prescribes the catechism to be used and the minimum period of such instruction. These provisions are in accord with earlier synodical action.[127] Art. XII gives the requirements for acknowledgment of full membership in the Church—confirmation and participation in the Lord's Supper. Art. XIII provides for the method of amendment of the Constitution.

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125 Peschau, 62, "Resolved, That the 7th Article of our Constitution be so changed.....so that the Article 7 would read: No minister can be received as belonging to our church who has not been ordained or licensed by a regular (or lawful) Synod in the United States, etc."

126 A footnote states that these were finally established after years of deliberation in October, 1817, and "in conformity to the Synodical decrees of the Northern States." See also Peschau, 28. The Article prescribes that those of the first two degrees are under license; the third under ordination, but confined to his congregations; the last conveys general authority.

127 Peschau, 8, 14.

THE MEETING OF 1819.

The meeting of 1819, regularly to be held on Trinity Sunday, was advanced to April 26th. The reason given for the liberty taken in advancing the date was that there had come from Pennsylvania an invitation to send a delegate to the convention of the Ministerium in Trinity Week, 1819, to participate in the deliberations of that body concerning the advisability of bringing about a union of the Lutheran Synods in the entire land. Obviously, if the Synod of North Carolina did not meet until Trinity Sunday, no such delegate could be elected.[128] Synod was consequently called to meet earlier. Upon the question as to whether this then was the Synod for 1819 it was decided by the convention that it was, and a quorum being present, business was transacted.[129] The Rev. Mr. Shober was elected to be the delegate to the convention of the Pennsylvania Ministerium. It was at this meeting of the Synod of North Carolina that the first signs of difficulties which were to lead to the formation of the Tennessee Synod appeared. These difficulties were due partially to the ordination of David Henkel and J. E. Bell by Philip Henkel, "under an oak tree." "In this manner did they separate themselves from us."[130] At the next convention of the Synod, 28 May, 1820, Paul, Philip and David Henkel and Bell took possession of the church in which the convention was to be held. The President of the Synod, Storch, pled for unity but the Henkels refused to yield.[131] As a result the Tennessee Synod was formed. Bell repented of his acts and as a result his ordination was pronounced to be valid. Shortly afterward he went over to

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128 *Ibid.*, 36.
129 *Ibid.*, 35, 36; Bernheim, *op. cit.*, 435 ff.
130 Peschau, 48.
131 *Ibid.*, 41, 42. However, Bell repented and reported that Philip Henkel had decided to unite with the synod again and that he would abide—according to the constitution—to the will of the majority. He never appeared at the Synod again. *Ibid.*, 47. The issues involved in this first rupture in the Lutheran Church in America will be set forth more fully in the study of the founding of the Tennessee Synod below.

the Presbyterians.[132] It was resolved at this meeting "and that unanimously so" that

> hereafter no ordination shall be legal in our church, or considered valid, which is not administered under the authority or instruction of Synod, and is performed by at least two ordained ministers.[133]

At this same convention Art. III of the Constitution was so changed that the delegates thereafter were to present written testimonials attesting to their elections. By more than a two-thirds majority of those present everything done at the Synod of 1819 was ratified as was the Constitution of 1817 with the exception of the principles and rules changed then.[134] The ordination (Baum-Ordination) of David Henkel was pronounced invalid and he was declared to be "no minister of the Lutheran Church of North Carolina and adjacent states."[135]

THE SYNOD OF NORTH CAROLINA AND THE PLAN-ENTWURF.

Shober reported as delegate to the Convention of the Ministerium of Pennsylvania in 1819 and said that

> a plan had been agreed upon which had been printed, setting forth how all the Synods could join in one General Synod. This plan had already been long in circulation among us. Synod does not need to adopt the same as it does not fully agree with the instructions we have given.[136]

The question now was, shall we adopt the plan?"[137] The

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132 *Ibid.*, 43, 49, 50.
133 *Ibid.*, 43.
134 *Ibid.*, 43, 44.
135 *Ibid.*, 44, 45. Peschau notes that the quotation just given is underlined in heavy red in the protocol.
136 *Ibid.*, 36. When Shober had been appointed delegate in 1819 a committee was also appointed to give him "instructions," and he was informed that if a constitution for a general synod was drawn up conforming to these, then the constitution might be said to have been ratified already; if, however, resolutions were adopted differing from the instructions, then such resolutions would need to be presented to the Synod for consideration and decision.
137 *Ibid.*, 46.

plan was considered item by item and adopted 15 to 6. Thereupon two ministers and two lay-delegates were elected, according to the provisions of the plan, to meet with representatives of other synods in October of the same year at Hagerstown, Md., to consider a constitution and the organization of the General Synod.[138] The North Carolina Synod took an active part in the organization and development of this general body.[139]

PROPOSED UNION WITH THE PROTESTANT EPISCOPAL CHURCH.

Down to 1829—the date of the conclusion of interest here —nothing else noteworthy in the realm of church government appears to have been done by the Synod. Accordingly, the study is closed herewith with the further brief description of a project of union with the Protestant Episcopal Church in the territory. At the convention of 1821 of the Synod of North Carolina the Revs. Adam Empie, G. T. Bedell, and Duncan Cameron were present, being introduced through a letter from Bishop Moore, and having been elected "by the English Episcopal Church for the purpose of bringing about a union between us, if possible."[140] A committee of the Synod was chosen to consult with these representatives on a plan of union to be laid before the Synod. Such a plan, consisting of five parts, was submitted the next day and was accepted. This provided, first, that mutual arrangements were to be permitted that were not opposed to the fundamental principles of the respective churches; secondly, the Episcopal Church was to have the right to send representatives annually to the synodical convention, which representatives were to have seats as honorary members, to debate on all propositions, and to vote, except in decisions which affected the Lutheran churches alone; thirdly, the same privilege was given to the Lutheran

138 *Ibid.*
139 A full description of this will be given when the organization and development of the General Synod is studied below.
140 Peschau, 48.

Synod to send representatives; fourthly, "all ministers of our Church shall have the right to a seat as honorary members among them, and theirs with us"; fifthly, the Episcopal Church gave assurance that Lutheran students of theology, if well recommended, would be taught free of all expense, in the Episcopal Seminary in New Haven.[141] Immediately representatives of the Synod to the next convention of the Episcopal Church were elected. At the convention of 1822 a letter was read from the secretary of the Episcopal Convention setting forth that the plan of union just referred to had been adopted by that convention and that four representatives had been elected. Three of these appeared and took their seats.

> It was not deemed necessary on our part to appoint a committee to confer with said gentlemen [the three representatives] as to whether there was anything else to be done to bring about a union.[142]

Notice being given that the Episcopal Convention for 1823 would be held in Salisbury, two ministers and two lay-delegates were elected as representatives.[143] These attended the sessions[144] but after this nothing more appears of the fraternal relations between the two bodies, and while a "bond of friendship" continued, the interchange of delegates fell into disuse. Thus the project failed. It had been an attempt at an unnatural union. Two independent churches, neither willing to give up its prerogatives, could not be expected to harmonize.[145]

THE DEVELOPMENT OF THE SYNOD OF OHIO, 1819-29. THE "OHIO SPECIAL CONFERENCE."

Next in date of organization, and now the subject of con-

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141 *Ibid.*
142 *Ibid.*, 51.
143 *Ibid.*, 52.
144 Bernheim, *op. cit.*, 463; *Extracts from the Minutes of the New York Ministerium*, 1823:18, 19.
145 See Shober's full statement in *Extracts from the Minutes of the New York Ministerium*, 1823:19-21.

sideration, was the Synod of Ohio. Very early in the century the churches belonging to the Ministerium of Pennsylvania in distant parts of the country[146] began to hold "Conferences" for common encouragement and deliberation over common problems. Due to the great distance from the main territory of the Ministerium, and the barrier of the Alleghenies, the churches in Ohio developed an independence which was soon to call forth a separate synodical organization.[147] As the tide of immigration following the opening of the Ohio country flowed westward, a goodly number of Lutheran people went west to seek homes. The missionaries of the Church followed.[148] In 1812 the first district conference in the west was held in Ohio.[149] All of the eight ministers present were members of the Ministerium of Pennsylvania (four are given as absent) but had been given permission, on account of the distance to synodical meetings in the east, to assemble at some place west of the mountains. The chief business and interest of the members was the supply of ministers and the pastoral care of young congregations. The "Ohio Special Conference" continued to meet for the same purpose and with the same pretensions, with varying numbers in attendance, until the connection with the mother-synod was broken, an account of which will be given below.

The Conference of 1814 prepared a series of questions to be laid before Synod.[150] The first of these asked permission to send but one preacher and one delegate of their number to the meetings of Synod as the representatives of the whole Conference. This was granted. The second asked permission to examine the sermons and diaries of their candidates without the necessity of sending the same to the Ministerium for examination. This was not granted but it

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146 See above, page 89.
147 Sheatsley, *History of the Evangelical Lutheran Synod of Ohio and Other States*, 10.
148 *Doc. Hist.*, 370, 389, 401.
149 *Ibid.*, 452; Sheatsley, *op. cit.*, 51-3.
150 *Doc. Hist.*, 466, 7.

was resolved that the representatives at each convention should bring with them the sermons and diaries for the purpose of examination. The third asked permission to decide as they thought proper with reference to their candidates' services in their congregations. This was granted. In these requests it is possible to see the beginnings of a very definite breaking away of the congregations in the west, principally in Ohio. At the Conference in 1816 it was unanimously resolved to request the Ministerium of Pennsylvania to allow the Conference the privilege of forming its own separate synodical body. At the convention of the Ministerium of 1817 this request was presented and was refused.[151] At the same convention, however, it was allowed that the Special Conference in the State of Ohio might license applicants and renew licenses but that thereafter each candidate and catechist should send his diary and one sermon to the Ministerial meeting each year.[152]

A SYNODICAL FORM ASSUMED.

At the Special Conference in September, 1817—twelve pastors and nine laymen being present—the reply of the Ministerium to the request for permission to form a separate synodical body does not appear to have been considered. But it appears that the matter of separation was discussed and the next Special Conference—in 1818—may be said to have arrived at the true synodical proportions. One may therefore speak of the *Synod* of "Ohio and Adjacent States."[153]

THE DEVELOPMENT OF THE SYNOD OF 1829.

After the separation there seem to have been no changes

151 *Ibid.*, 500.
152 *Ibid.*, 506.
153 It included pastors and congregations in Ohio, Pennsylvania, and later at least in Wayne County, Indiana. *Proceedings of the Twelfth Synodical Meeting*, 1829:23 & 24. Beginning with 1825 the *Proceedings* are of the "synodical meeting"; previous to that date they are of the "general conference."

either in organization or purpose. The ministers met as for a Special Conference.[154] At the meeting in 1818 three men were ordained to the ministry;[155] the next year several of the pastors were "earnestly admonished to keep within the rules of the 'Ministerial Order' in the administration of their stewardship."[156] In the absence of direct evidence to the contrary it is safe to conclude that the "Order" referred to was that of the Ministerium of Pennsylvania to which all had subscribed and by which all had been governed in their synodical relations even until the previous year.

At the meeting of 1819 the subject of participation in the organization of the General Synod was before the body and occupied much time, drawing forth much serious consideration. The relation of the body to the General Synod, however, will be discussed later in the proper place. The Synod decided not to unite with the general organization, therefore its line of development is to be understood to have been separate and different from that of the former.

Apart from the matters already set down here, a study of the minutes of the synod until the end of the period considered here reveals nothing of unusual interest or importance. Missionary activities and interest seem to have been the chief concern. Ministerial supply continued to be the chief problem as it was for all new bodies operating on the frontier. Cordial relations with other Lutheran bodies and with certain Reformed bodies through the exchange of fraternal delegates, and more especially of copies of the printed minutes, were continued. The number of those at the synodical meetings, both pastors and laymen, increased and the total number of congregations in union with the Synod increased to not less than 115, with 15 ministers.[157] Evidence of the zeal and activity of the Synod is seen from the

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154 Sheatsley, *op. cit.*, 59.
155 *Ibid.*, 64. Beginning with the meeting of 1818 full reports of the transactions are available. See Bibliography.
156 *Ibid.*, 65, 6.
157 *Proceedings of the Twelfth Synodical Meeting*, 1829:23 & 24.

consideration of such matters as the establishment of a theological seminary, and church paper.[158]

THE DEVELOPMENT OF THE TENNESSEE SYNOD, 1820-29.

The history of the origin of the Tennessee Synod, which it is now in order to consider, is bound up with the "first rupture in the Lutheran Church in America."[159] Accordingly before taking up the story of the development of the synod proper, it will be necessary to find out the issues and features of this rupture.

THE "FIRST RUPTURE IN THE LUTHERAN CHURCH IN AMERICA."

At the Fifteenth Convention of the Synod of North Carolina in October, 1817, it was decided that as the "fall time, often being a sickly time,"[160] was not satisfactory for the time of meeting, such time be fixed for Trinity Sunday, and inasmuch as this day in 1818 was considered as too close at hand, it was decided to have the next convention on the "first Trinity Sunday, 1819." However, in defiance of this decision, the convention of 1819 met on 26 April, several weeks earlier than the time agreed upon, and that also by constitutional provision.[161] This was explained and excused on the ground that

> we were invited from Pennsylvania to send a delegate to their Synod for the purpose of considering the advisability of bringing about a union of the Lutheran Churches in the entire land, a thing we could not have done (i. e. send a delegate in time) if we had come together on the day set.[162]

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158 *Proceedings, passim.*
159 Bernheim and Cox, *op. cit.*, 42.
160 Peschau, 33.
161 Peschau, 35, 6; Trinity Sunday, 1819, was 6 June, *Doc. Hist.*, 524. Henkel, *History of the Evangelical Lutheran Tennessee Synod*, 15.
162 Peschau, 36. The Pennsylvania Synod met in Baltimore on Trinity Sunday, 1819.

It was further explained that the officers had called Synod to meet at this time but that those living farthest away had received notice of it. Synod then considered the question as to the claim of the meeting to be called the convention for the year, and after the letters from the officers of the Pennsylvania Synod had been read, "Synod unanimously, without an opposing word allowed and sanctioned this Synod, as the Synod of 1819." It was also unanimously agreed that the President, with the sanction and consent of two or three neighboring pastors, have the power to call a synodical meeting for the purpose of adopting other regulations, etc.[163]

Previously there had been considerable difficulty over David Henkel's desired ordination.[164] At the convention of 1819 "many complaints were made against David Henkel,"[165] as a result of the hearing of which it was decided that he be given a license as Catechist for six months. It was further decided that at the expiration of that time if he could bring a written testimony that there was peace in his congregation, he should be reinstated as a Candidate.[166] "With this decision David expressed himself as being satisfied, promised to do better," and appeared to reconciled with his accuser.

But the appearance was deceptive and on Trinity Sunday, 1819, the time fixed in the Constitution for the regular annual meeting, but for this year made unnecessary by the meeting of 26 April, David and Philip Henkel, and Joseph Bell, and seven lay delegates came together at the place appointed for the meeting of Synod—St. John's Church, Cabarrus County—and declared themselves the Synod of North Carolina. The door being locked against them, Philip Henkel ordained David and Bell "under an oak

163 Peschau, 36. Henkel, *op. cit.*, 15, 16.
164 Bernheim and Cox, *op. cit.*, 43-5; Peschau, 20, 23, 29.
165 Peschau, 38, 9.
166 *Ibid.*, 39.

tree."[167] This was not only irregular but was in defiance of the authority of Synod with which David Henkel was then on probation, and contrary to the action of the Synod in 1813 whereby it was decided[168] "that, furthermore, hereafter no one receive full ministerial authority except alone by the Synod, and that after an examination."[169]

The regular convention for 1820 met on Trinity Sunday, near Lincolnton, N. C., in a church served by David Henkel. The devotional exercises on Sunday were carried on without interruption but when on Monday the Synod came to meet, it was found that the Revs. Paul and Philip Henkel Candidate Bell and David Henkel had taken possession of the church. Efforts at reconciliation were made but they failed, and as David Henkel held the church by virtue of his pastorate, the Synod adjourned to meet at a near-by hotel. Here it was regularly organized and this group continued the North Carolina Synod. Bell expressed repentance and united with the Synod again as a result of which his ordination was pronounced to be valid.[170] David Henkel, who had received the same ordination and at the same time, was declared to be "no minister of the Lutheran Church of North Carolina and adjacent States," and Synod declared its irresponsibility for his conduct and doctrines.[171] Yet certain members of the Synod sympathized with the position of those who protested against the trend of affairs in the Synod.[172]

On 17 July, 1820[173] five ministers and nineteen laymen, representative of Tennessee congregations, met in Solo-

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167 *Ibid.*, 39, 40; Bernheim and Cox, *op. cit.*, 45; Henkel, *op. cit.*, 16-18.

168 Peschau, 19.

169 Bernheim and Cox, *op. cit.*, 45. For the presentation of this whole matter from the view-point of the Tennessee Synod, see Henkel, *op. cit.*, 16-20.

170 Peschau, 41-43.

171 *Ibid.*, 44, 5.

172 *Report of the Transactions of the Second Conference in Tennessee*, 1821:5.

173 *Bericht, von den Verrichtungen der ersten Conferenz,.....in dem Staat Tennessee*, etc., 1820: 3 & 4.

mon's Church, Cove-Creek, Green County, Tennessee, and organized the Tennessee Synod. David Henkel was absent but gave evidence that he considered himself a member. Thus was bgun an independent synodical body which continued until 1921 when it was merged with the North Carolina Synod. After 1860, notwithstanding its name, it had no churches in Tennessee.[174]

What underlay the difference of opinion and ill-feeling which sprang up between the two parties in the North Carolina Synod and led to the breaking away of the one party and the formation of this new body? In the first place, it should be clearly understood that the differences were by no means superficial nor were they hastily arrived at. For some years causes had been operating to bring about a final break. A match was needed to kindle a blaze; an occasion was needed to precipitate a crisis. The occasion was found in the change of the date of the convention of 1819. But any untoward event would doubtless have brought the crisis which was bound to come due to a series of fundamental differences of opinion and view-point.[175]

First of all may be mentioned the conflict of temperament between David Henkel and Gottlieb Shober, leaders of the opposite parties.[176] David Henkel later proved to be a man of excellent natural endowments, possessed of great understanding and strength of mind. He chafed under the refusal of Synod to advance him and was ready for trouble. Also his theological view-point as it came to develop was far from that of the opposing side of which Shober was a fine representative. Shober appears to have been a man of some ability but he was of another view-point and tempera-

174 Jacobs, *op. cit.*, 394.

175 Bernheim, *op. cit.*, 440-6; Henkel, *op. cit.*, Chapt. 1; Bernheim and Cox, *op. cit.*, Chapt. 6; Jacobs, *op. cit.*, 393-4; Bente, *op. cit.*, 148 ff; *Bericht* for 1820, 12-31.

176 For an expression of the feeling between Shober and D. Henkel, see the "Review" published by Shober in 1821.

ment than Henkel.[177] Hence the possibility and the probability of a conflict if conditions were right.[178]

In the second place, as just indicated, there was a great difference of theological opinion and position to be found in the Synod. As the early years of the century passed, due to many influences, the Lutheran consciousness of the Synod had largely passed away. This was, it is true, not confined to the Synod of North Carolina, but was evident also in Pennsylvania, and even to a larger extent in New York. Confessionalism was little regarded and unionistic tendencies were very strong. The Henkels came to represent a traditional Lutheranism and a rather high degree of Confessionalism, and thus became dissatisfied with the trend of theological opinion and attitude in the Synod.[179]

In the third place, there was an irreconcilable difference of opinion concerning a general organization of synods.[180] It is not without great significance that the occasion of the break came as a result of a change in date of synodical convention made to make possible the election of a delegate to the convention of the Ministerium of Pennsylvania in 1819 where a "Plan of Union" was to be deliberated upon. As will later appear the founders of the Tennessee Synod were vigorous in their opposition and most consistent, later, in the continuance of a position of aloofness.[181]

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177 A sketch of Shober's life is given in the *Evangelical Review*, Vol. 8. "Rev. Shober was a man of decided opinions, unyielding in everything which he considered right."—Bernheim, *op. cit.*, 441. *Evangelical Review*, 8: 412-4,—"with a mind that knew no dissimulation, a lofty independence, and ardent temper, and a character decidedly affirmative, he frequently experienced difficulties and encountered points other than pleasant in his pilgrimage through life, and which a disposition more pliant could have averted." That he was a Moravian rather than a Lutheran seems to be well established. —Henkel, *op. cit.*, 19; Bernheim, *op. cit.*, 441, 2. For the view, however, that personal differences did not cause the rupture, see Henkel, *op. cit.*, 23.

178 Bernheim, *op. cit.*, 442.

179 Henkel, *op. cit.*, 23.

180 See below for evidences.

181 Bernheim and Cox, *op. cit.*, 48 & 9.

THE ORGANIZATION OF THE TENNESSEE SYNOD.

The meeting of 17 July, 1820, having opened, the first business was the adoption of a basis of organization, together with certain regulations.[182] In the first article the German language is adopted as the medium in the transactions of the Synod. An explanatory note says that "very few entirely English who accept the doctrines of our church, or desire to preach them" are to be found. Article II sets forth the doctrinal basis of the Synod, specifying the *Holy Scriptures* and the *Augsburg Confession* as the basis, and Luther's *Small Catechism* as the text-book of instruction, allowing, however, the *"Christian Catechism"* published in New Market, Va., as an auxiliary work for the explanation of Luther's *Catechism.* In Article III the requirements for qualification as a teacher or officer are first set forth. Then the obligation of teachers to teach "according to the Word of God and the Augsburg Confession and the doctrines of our Church" are set down with the further requirement that no teacher of this body be allowed to "stand in connection with any organization in connection with the so-called Central or General Synod." Article IV sets forth qualifications for church membership in which connection it is interesting to note that a foot-note explains that baptism and confirmation in other Christian Churches establishes eligibility to commune and be received into the churches concerned without re-baptism or re-confirmation. Articles V and VI provide two grades in the office of teaching—the ministry—Pastor and Deacon, and give details of ways of entrance into these offices and state the privileges attaching to them. Article VI further states that the offices in the congregations shall be as they had customarily been: Elder, Deacon, etc. Article VII provides for naming of pastors at each Conference who were to conduct ordinations, sign ordination certificates, and see that good order was maintained. These were also to sign all proceedings of the Conference of

182 *Bericht,* 4-10.

Synod. A chairman who should read all that was necessary, make propositions, etc., might also be appointed, as also a secretary. But it was to be understood that these need not serve throughout the sessions of any convention. In Article VIII the time for the annual meeting was set as the third Sunday of October. The place of meeting was made optional but the name, Tennessee Conference or Synod, was to be retained although there be members in other states. In Article IX membership was declared to be of preachers and lay-delegates elected by their congregations. But the number of votes cast by the lay-delegates were never to exceed the number of preachers present. Surplus delegates might be present in advisory capacity. Article X deals with the matter of a Treasury. A treasurer of Synod was not deemed necessary, for the time. The necessity of congregational treasuries was recognized and the individual congregations were allowed to carry them on as they desired. But a report from each church council was required to be made at each synodical meeting. Article XI requires the ministers to keep records on specified matters. Article XII stipulates the education of the children in the doctrines of the church and in the German language. Article XIII specifically mentions the Synod of North Carolina as a body in which ministers of the Synod cannot hold membership "because we cannot regard it as a true Lutheran Synod." Article XIV provides for amendment "by a majority of the votes, but in such a manner as not to come in conflict with the design and intention of the foregoing principles." After agreeing upon the "basis and regulations" the Conference—or Synod—proceeded to the transaction of other business. "The Evangelical German Lutheran Tennessee Conference"—or Synod—was then in working order. Several acts relating to ordination were passed and a resolution was made to answer a petition for spiritual services from a number of people in Missouri. An important decision ordered the annual visitation of all congregations by one of the older ministers for the purpose of

inspection and instruction to the younger ministers and their congregations.

Thus was organized the Tennessee Synod. Born of a church conflict it nevertheless had its justification. It was a truly confessional body and in that respect was much farther advanced than all of the older bodies of the day. As the development of its organization is studied it will be noted that it had not only doctrinal differences from the other synods but that it had also some very important differences in practice and theory concerning the government of the Church.[183] The doctrinal differences were due to conflicting viewpoints with respect to the symbols and marks of Lutheranism. The age was one of unionistic tendencies in denominational relations, even as it was the "Era of Good Feeling" in American social life generally. Denominational consciousness was at low ebb, among none more so than among the Lutherans as presented in the three older synodical organizations. The withdrawal of certain members from the North Carolina Synod and the subsequent founding of the Tennessee Synod were in large measure due to an appreciation, as a result of study, of the symbols of the Lutheran Church. The new synod's course was not easy nor was its path free of great obstacles.[184] But it persevered although it was to lose its significance when all other Lutheran bodies, though in varying degree, came to a position of more positive confessionalism.

THE DEVELOPMENT OF THE TENNESSEE SYNOD, TO 1827.

The second convention of the Synod met 21 October, 1821, with four ministers, one deacon, and an applicant for the ministry present, together with fifteen deputies. One minister was absent.[185] A number of communications were read expressing various desires, one being that ministers in

183 Henkel, *op. cit.*, 262-5.
184 *Ibid.*, Chapt. 4.
185 *Report*, 1821. For a digest of the Minutes of the Tennessee Synod see Henkel, *op. cit.*, 43-78.

connection with the new synod should be sent to serve the petitioners. Rev. Adam Miller was appointed to visit the petitioners and all congregations belonging to the Synod, in accordance with the constitutional provision. At the request of some of the brethren of North Carolina it was resolved annually to hold a Synod in North Carolina or in an adjoining state and in the English language, to be governed according to the same constitution as the German Tennessee Synod.[186] "Those who compose this Synod, may appoint the place and time of the first meeting; when and where they deem it expedient." It was made the duty of every minister and deacon to keep a register of the names of all the baptized belonging to the churches. On resolution a copy of the Augsburg Confession and a copy of the minutes of the Synod were to be deposited in every church. The applicant, Joseph Harr, was examined and ordained as a deacon. A committee was appointed to compile and print the objections against the General Synod. This was included in the Report of the Meeting.[187]

The third convention met October 21 ff., 1822, with the same ministers present and the same one absent as in 1821. Three applicants and sixteen deputies were present.[188] Petitions were received from churches asking for ministers: one from Missouri asked for ordination for one who served them; one from North Carolina asked reception of their minister who hitherto had been a minister of the Separate Baptist order. Synod resolved, in the latter case, that inasmuch as it was a German-speaking body and the applicant could not understand German, he could therefore have no seat and vote. Yet he was to be examined and, if qualified, was to be ordained a minister of the "Evangelical Lutheran Church." If he came to understand German he was then to have a seat and vote in the Synod. While he understood only English, he was recommended to organize, with others,

186 *Report*, 1821: 7 & 8.
187 Pages 13-36. At the next Convention the Synod approved the objections set forth—*Report*, 1822: 13.
188 *Report*, 1822.

an English-speaking synod, in conformity with the resolution of the previous year. Synod, in answer to a request, gave a deliverance on the question in what respect it was governed by a majority of votes.[189] In this connection the fundamental difference in position as over against the General Synod was set forth by the Synod. It was further unanimously considered expedient that every one who intended to fill the office of Pastor should be publicly examined before the synod. Upon the question of "whether slavery is not to be considered a great evil which is tolerated in our land," synod resolved that it "unanimously consider it a great evil in our land, and wish that the government if possible, would devise some means, as an antidote to this evil."

The fourth convention of the Synod was held October 20 ff., 1823.[190] Many petitions for services by the Synod from churches without pastors were received and the usual evidences of opposition to the Synod of North Carolina and the General Synod are to be noted in the deliberations and decisions. Notice being taken of a report in the *Marylandisch Deutschen Zeitung* of the decision of the Pennsylvania Synod to withdraw from the General Synod, a communication embodying certain questions was sent to that Synod by the Tennessee Synod, the purpose being to learn the position of the Pennsylvania Synod.[191]

The fifth convention was held in 1824 with about the usual number of attendants.[192] The Rev. George H. Riemenschneider of Virginia, lately withdrawn from the Synod of Maryland and Virginia, and the Rev. Daniel Moser, a late ministerial member of the Synod of North Carolina, were received, both having given satisfactory evidence of their acceptance of the position of the Tennessee Synod. Moser's congregation came in also. A number of petitions from congregations in North Carolina, Tennessee, Kentucky, and Virginia, asking for ministerial services were

189 *Ibid.*, 9-12.
190 *Bericht*, 1823.
191 *Ibid.*, 11-14.
192 *Bericht*, 1824.

received and it was decided that six of the pastors should each give two months' service in these congregations before the next meeting of the Synod. Petitions from three congregations in North Carolina were received praying that a committee be elected to meet a similar committee from the North Carolina Synod, if the latter appoint such, to meet and show publicly the differences in doctrines between the two synods. The Committee of the Synod of Tennessee consisted of Messrs. Caspar Keinadt, Adam Leonard, and Jacob Keinadt.[193]

A letter from Carl Gock of Pennsylvania was also read[194] in which he expresses himself as dissatisfied with the General Synod and states that he has had reprinted the report of the committee of the Tennessee Synod in which are set forth the objections to the constitution of the General Synod, of which reprints he has circulated 1200. Gock was not a Lutheran but was interested to defeat a movement for a general organization in the Reformed Church in Pennsylvania.

The Synod met in its sixth convention September 5 ff., 1825.[195] Report was made that the questions referred to the Synod of Pennsylvania in 1823 remained unanswered but it was deemed expedient to appoint a committee to draw up another request and submit that to the Synod of Pennsylvania. It was also noted that the Synod of North Carolina refused to negotiate with the committee appointed in 1824 to bring about an understanding. Through a letter from the Rev. J. Sherer of the North Carolina Synod, it was learned that the latter considered "that the committee did not entitle them as a genuine Lutheran body," and that it was offended because the Synod of Tennessee "appointed farmers to constitute the committee." The usual grist of synodical business was run through and nothing further of importance appears at this convention except a declaration

193 See *Bericht der Committee*, bound with *Bericht*, 1824.
194 Jacobs, *op. cit.*, 360-1.
195 *Report*, 1825.

of Synod that the report falsely circulated that in 1821 it had been resolved to allow no minister in connection with the General Synod to preach in the meeting-houses of the congregations of the Synod was contradicted. Synod definitely said that it could not arrogate to itself any authority to prescribe to any congregation whom it should suffer to preach in its meeting-house. "All congregations in this respect are independent of the Synod."

The seventh convention met September 4 ff., 1826, with a somewhat increased attendance and representatives from Tennessee, Virginia, North Carolina, and Kentucky.[196] Though the North Carolina Synod had not, in any way, accepted the overtures of the Synod looking toward an amicable adjustment of differences existing between the two bodies, it adopted a resolution authorizing certain of its members to hold a public meeting in North Carolina for the purpose of disputation. The usual matters of synodical business occupied the attention of synod for the remainder of the period of the convention.

On September 3 ff., 1827, the eighth convention was held.[197] Report was made that the ministers of the Synod of North Carolina had ignored the public meeting ordered last year to be held for the purpose of disputation. It was resolved that a new constitution be drawn up owing to certain defects and blemishes in the old one. A committee was appointed to prepare one for examination. Such having been presented, it was examined, annexed to the journal, and allowed to lie before the Synod for one year. It was decided that if no objections of importance were made, or amendments proposed, before the next convention of Synod, it was to be considered to be the adopted and ratified constitution of this Synod. At this convention an unusually large amount of business was transacted but by far the most important item was the consideration of the constitution.

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196 *Report*, 1826.
197 *Report*, 1827.

STUDY OF THE CONSTITUTION, AS OF 1827.

In the "Introduction" it is stated that there should be a distinction made between "Fundamental Articles," such as are necessary for the good government of the Evangelical Lutheran Church in all ages and countries, because they are founded upon the Holy Scriptures, and "Alterable Articles," which are of a temporary and local nature. Under "Fundamental Articles," Article I sets forth the Holy Scriptures as the "only rule of doctrine, and church discipline." Article II recognizes the "Augustan" Confession of Faith comprised in twenty-eight articles as a rule of explaining the Holy Scriptures. Every minister is bound to teach and to defend the doctrines "contained in every article thereof," and the Synod shall have no power to transact anything which "may be repugnant to any article of this confession." Article III provides that ministers and lay-delegates from congregations "shall be equally entitled to seats and votes in this body." Neither class may transact business without the other, provided both classes are represented. No business shall be transacted secretly. Article IV enumerates the powers of Synod. They are: (1) to devise means for the promulgation of the Gospel; (2) to detect and expose erroneous doctrines and false teachers; (3) to examine and consecrate candidates for the ministry. But Synod

> shall have no power to receive appeals from the decision of congregations, with respect to the excommunication or receiving of members. For every congregation in this respect is independent of the Synod.

Article V forbids incorporation of the Synod by the civil government, as well as the holding by Synod of an incorporated Theological Seminary. It was also forbidden to have "any particular treasury for the purpose of supporting missionaries, Theological Semiaries, etc." Article VI specifies two grades of the ministry, viz: Pastors and Deacons. A pastor may perform every ministerial act; a deacon is only to baptize, to preach, and to catechize. But deacons

and pastors must be called to the office by one or more congregations. Deacons must be under the care of a pastor or the Synod. Article VII states,

> No subject whatever, which may be comprehended under any of these Articles, shall be decided, either according to a majority, or a minority of votes; but only according to the holy Scriptures, and the Augustan Confession of Faith.

Under "Alterable Articles," Article I specifies that each congregation shall have a right to send one delegate to the conventions of Synod, who shall have a seat and vote. Article II establishes the name of the body as "The Evangelical Lutheran Tennessee Synod," but declares that it shall not be construed so as to give the least prerogative to the members who reside in the State of Tennessee. The purpose is merely to distinguish it from the body, "called 'the Synod of North Carolina and adjoining states' who are a branch of the General Synod." Article III sets forth that the Synod "shall meat (sic) from time to time, upon their own adjournments." Article IV provides that the "Synod shall at every session appoint a president, for whatever length of time, they may deem proper." He shall perform the usual duties of a presiding officer, but "his name as president, shall not be inserted in the report of the minutes." A secretary who shall perform the duties usually committed to that office, shall be appointed. Article V orders that all debates must first be held in the German language, and resumed in English, provided that there shall be both German and English members present. Article VI specifies Luther's *Small Catechism* as the text-book for catechization, and the " 'Concordia' as a directory in Theology." Article VII provides the method for alteration of the "Alterable Articles," viz: at any session, by two-thirds vote of those present. "All points and propositions, which may be comprehended under any of these alterable articles, shall be decided by a majority of votes."

The ninth convention was held September 8 ff., 1828.[198] An increase in attendance of lay-delegates is noticeable, while three students of theology were received under the care of the Synod. Memorials were received concerning the constitution among which were some objections and prayers for amendments. Whereupon the constitution was critically examined, some alterations and amendments were made, and then it was unanimously adopted and ratified.

EXAMINATION OF THE ALTERED CONSTITUTION, AS OF 1828.

An examination of the constitution as thus altered reveals a number of changes which while not of fundamental importance, nevertheless show such a tendency toward greater strictness as to demand a full description of the result. The division, "Fundamental Articles," does not appear, though it is clear that the six articles first set down are of that nature and it is stated in the "Introduction" that

> nothing relative to doctrines and church-discipline ought to be transacted according to mere will of the majority, or minority; but in strict conformity to the scriptures.

Article I remains the same though a change of composition is noted and emphasis is put upon the inspiration of the *Holy Scriptures*. Article II sets forth the "Augustan" Confession of Faith, it would seem, in a more negative light than in the earlier draft. Instead of it being "a rule of explaining the holy Scriptures," it is a "true declaration of the principal articles of faith and church-discipline" which contain nothing "contrary to the Scriptures." Instead of every minister's being bound to "teach and to vindicate the doctrine or doctrines contained in every article thereof," it is stated that "no minister is allowed to teach anything.... repugnant to any article of this confession." Luther's *Small Catechism* is also included as a compendium of scriptural doctrine, and for its utility for catechization. Arti-

198 *Report*, 1828.

cle III remains virtually the same, though an addition makes legal secret meetings, if occasion should arise "in which the church would be liable to a persecution by civil authority." Article IV sets forth the same objects of the business of Synod but is changed to specify that after examination of candidates for the ministry, "this body shall nominate one or more pastors" who shall consecrate the candidate. A further change is that in which the independence of the congregation is more strongly asserted than in the former draft, i. e., "but this Synod shall have no power to receive appeals from the decision of, nor to make rules, nor regulations for congregations." Article V remains the same. Article VI remains the same in the important points but the provision in the first draft that the deacons be under the care of a pastor or the synod is not included in the constitution finally adopted.

The general title "Alterable Articles" is changed to "Local and Temporary Regulations." Of these Article I remains the same, except for a slight change in composition. Article II in the first draft is completely dropped. Article III becomes Article II without change; Article IV becomes Article III and is practically the same except that the provision that the name of the president, "shall not be inserted in the report of the minutes" is changed to, "it shall not be considered necessary to publish in the report of the transactions who had been appointed president." Article V remains the same as Article IV. Article VI drops out, but recognition of Luther's *Small Catechism* is made in the first division of the constitution. No mention of the *"Concordia"* is made in the final form.

The tenth convention was held September 7 ff., 1829.[199] The usual run of business was transacted but a new spirit seems evident in the resolution to exchange copies of the reports of the transactions of the Synod with the German Reformed Synod of Pennsylvania, and in the decision to send copies also to the Ministeriums of Pennsylvania and Ohio.

199 *Report*, 1829.

In keeping with an early provision which had not been observed in the intervening years two pastors were to visit and examine all congregations and ministers in connection with the Synod.

THE POLITY OF THE TENNESSEE SYNOD.

It would be in order, in keeping with the plan of procedure here, to close the study of the development of the Tennessee Synod at this point. But it is evident that its history and activity have importance for this subject as the embodiment of the spirit of opposition and dissent. It will, therefore, be of profit to outline briefly the position of the Tennessee Synod with special reference to its theory of church polity, because it was unique among Lutheran Synods. While it was unique at that time it may be said that it was not to be alone later in its position for it was joined at least by the Missouri Synod. What were the distinctive points of its theory of church government?

These points appear immediately upon a careful reading of the Constitution of 1828. In the first place, as expressed in Article III, the ministerial session so much insisted upon and so regularly provided for in other synodical constitutions, is definitely forbidden, provided there are lay-delegates present at the meeting of the Synod. In connection with the constitution as adopted and ratified in 1828, David Henkel wrote, "some remarks on every article of the constitution, which were also received as an explanation of the spirit and design thereof."[200] Relative to this Article III he said, in part,

> That laymen should exercise equal rights with clergymen in church-government, is not only scriptural, but also conducive to the preservation both of civil and ecclesiastical liberty.[201]

It is to him a proper and necessary consequence of the doc-

200 *Report*, 1828: 6.
201 *Ibid.*, 17.

trine of the Universal Priesthood of All Believers that there should be no privileges or duties enjoyed by the clergy which are not also to be enjoyed by the laity. In Article IV a very important difference in view-point is expressed in relation to the right of examining and ordaining candidates for the ministry, and the power of Synod over congregations. Henkel said in this connection, after he has admitted the practical advantage of brotherly co-operation through a Synod, that the duty of the Synod to detect errors and false teachers does not take away this right and duty from the individual congregations and ministers,

> Neither do this body claim the exclusive right of examining and ordaining candidates for the ministry. For every congregation have the privilege of choosing fit persons for their ministers, and individual pastors have authority to perform their ordination.....But when any congregation shall request this body to examine and ordain the person of their choice, it then devolves on this body to perform this duty.

Continuing he said,

> As the aforenamed duties devolve on all churches and ministers, they undoubtedly have the privilege to perform them jointly; i. e., they may constitute a synod. But no Christian Synod can have legislative powers, consequently have no right to make rules for churches. All necessary and salutary rules, pertaining to the government of the church are provided in the Scriptures; therefore, every body of men, who make rules for the Church are in opposition to Christ. To make rules for the Church is one thing, but to execute those already made, and to employ the proper means for the promulgation of the gospel, is another. The latter, but no means the former, is the business of this body.[202]

Article V, setting forth the prohibition of incorporation of the Synod and the holding of any incorporated Theological Seminary, as well as having "any particular treasury for the supporting of missionaries and theological seminaries," is important in its implications. The prohibition of incor-

202 *Ibid.*, 19.

poration is put on the ground of the necessity of complete separation of Church and State, as taught in the *Scriptures,* the *Augsburg Confession,* and the *Constitution of the United States.* From the practical view-point objection is made because,

> the church by an act of incorporation.....would have power to enact laws and regulations binding upon all their members, and could recover by a civil suit at law any property, or its value bequeathed to them.[203]

The whole objection seems to be based on the power which the Church would receive by virtue of incorporation, which indeed, a church does receive in the same manner as any other legal corporation. But the objection both to incorporation and to the establishment of a common treasury seem to be based upon deeper reasons. Henkel, and in this he doubtless speaks for his party, was very mistrustful of the motives of the clergymen of the day, fearing a creation of a clerical rule which would be inimical to civil and religious liberty. That these fears were groundless later developments have shown, but they were, nevertheless, real and powerful to Henkel and those in union with him. In Article VI it would appear, and this is in proper deduction from the whole attitude of the Synod, especially as expressed in Henkel's remarks, that there was to be no grade of ministerial officials other than such as were called by congregations. "Both pastors and deacons must be called to their offices by one or more congregations." The pastoral office and service is exalted and the congregations alone have the power and right of appointment or call to such high office. The "royal" or "universal" priesthood of believers is again emphasized.

Apparent fear of clerical presumptions to the degree of hierarchical pretensions is evidently the reason for the provisions in Regulations III under "Local and Temporary Regulations." Recognizing, in the interest of good order,

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203 *Ibid.,* 22.

the necessity of a presiding officer, Synod nevertheless took care that no honor or continued privilege or position should attach to the office. Henkel remarks, that inasmuch as

> another president may be elected every day of the session, if it be deemed expedient, and as his office does not continue until the succeeding session, it is not necessary that it should be published in the reports of the transactions, who had been appointed to this office.[204]

The clearly evident idea underlying this is that no individual shall be exalted above the others, even to the extent of being named as having presided.

In addition to these important and distinct differences in matters of church polity from all other Lutheran Synods of the time, and as expressed in the body of the Constitution, attention must also be given to another very important point of view. Probably this is the most important difference of all. It is set forth in Article VII of the "Fundamental Articles" of the Constitution as included in the *Journal* of 1827, but is included in the "Introduction" to the Constitution as adopted and ratified in 1828, Article VII dropping out completely from the body of the document. The "Introduction" sets forth,

> The rules and principles of church-government are contained in the Holy Scriptures. Therefore, no body of Christians have authority to dispense with or alter, or transact anything contrary to them..... Nothing relative to doctrines and church discipline ought to be transacted according to mere will of the majority, nor minority; but in strict conformity to the scriptures.[205]

Local and temporary regulations are recognized as good and necessary and these may be

> altered, amended, or abolished by the majority; yet they ought not attempt to make their decisions in such cases absolutely obligatory upon the whole community; because such regulations are only subservient to the execution of the rules which are founded upon the Scriptures.[206]

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204 *Ibid.*, 27.
205 *Ibid.*, 11 & 12.
206 *Ibid.*, 12.

In view of the attitude or point of view just mentioned it would seem that the body would more properly have retained the title, "Conference," than have assumed that of "Synod." This position was doubtless taken as a result of reaction against the Synod of North Carolina. As is revealed by the Protocol of the latter body[207] the matter of decision by a majority was a mooted point between the supporters of the Synod and the Henkels. When one of the adherents of this latter group, Joseph Bell, repented of his stand with the insurgents and presented himself as ready to join the Synod again,

> He obligated himself to be governed according to our firmly established rules, and *to submit to a majority of votes according to the custom of all Christian Churches in America.*[208]

THE DEVELOPMENT OF THE SYNOD OF MARYLAND AND VIRGINIA, 1820-9. THE WITHDRAWAL FROM THE MINISTERIUM OF PENNSYLVANIA.

Vastly different from the Synod of Tennessee in point of view and theory of church government was the Synod of Maryland and Virginia. This body came into separate existence in the same year as did the former, as a result of a peaceful division within the Synod of Pennsylvania. At the convention of the latter in 1820 a report of a special meeting held in Friedrichtown, Md., was presented.[209] In this report a request was made for permission "to organize a new synod on the west side of the Susquehanna." The matter was postponed until the question of the General Synod should have come up. The latter question having been disposed of, "it was now resolved that this Synod will make no objection whatever if a new Synod be organized on the west side of the Susquehanna."[210] At the convention of the

207 Peschau, 35-43.
208 Peschau, 43—italics mine.
209 *Doc. Hist.*, 551.
210 *Ibid.*, 554.

Ministerium of Pennsylvania of 1821 it was resolved, "That the expression, 'On the west side of the Susquehanna,' (page 12 of the printed copy) be cancelled as incorrect, and the words, 'in Maryland and Virginia,' be inserted."[211] At the same convention, Dr. Kurtz, of Baltimore, reported that the preachers in Maryland and Virginia had acted on the permission given at the 1820 convention and had formed a separate synod, and that he was present as a delegate to the Mother-Synod. The President of the Ministerium of Pennsylvania thereupon recognized him as the delegate of the new synod and so entitled to a seat and a vote.[212] Later in the same convention a letter from the secretary of the Synod of Maryland and Virginia was presented in which it was stated that Dr. Kurtz was the delegate to the Ministerium of Pennsylvania, and in which an invitation was extended to the "preachers of the Pennsylvania Synod" to attend the sessions of the new synod. Thereupon, the Synod elected two delegates and also directed a letter to be written, in the name of the body, setting forth, "that we, with regret and love, recognize it as a sister synod, have received their delegates, etc."[213] Thus in a most peaceful and friendly way the division was made which contrasts most noticeably with the attitude and action of the Pennsylvania Synod toward a similar request, a few years before, of some of its members in Ohio to be allowed to form a separate synodical organization.

While a separate synodical organization of the pastors and congregations in Maryland and Virginia was deferred until 1820, it must not be thought that no sectional meetings of any kind were held prior to that time. In accordance with provisions in the Constitutions of the Ministerium of Pennsylvania of both 1781 and 1792, "Special Conferences" had been held. As early as 1793 a little group in Virginia organized a "Special Conference" into which in 1807 some of

211 *Ibid.*, 572.
212 *Ibid.*, 571.
213 *Ibid.*, 574, 5.

the Maryland pastors regularly came. The record of the first conference begins,

> We four ministers of the Evangelical Lutheran Church, living and serving congregations in the State of Virginia, being present in Winchester on the sixth day of Jan. 1793, commenced our Conference, on this Epiphany Sunday, by holding solemn religious services.

There were present Revs. Christian Streit of Winchester, John David Young of Martinsburg, Paul Henkel of New Market, and William Carpenter of Culpeper (Madison.) Lay delegates were present from seven congregations. These Conferences continued to meet fairly regularly until 1817—Maryland pastors had joined as noted above—which was the last of which there is any record. They were chiefly of a devotional and didactic character, very little business being transacted. They had their place in the development of the church but the time came when a different kind of ecclesiastical organization was needed.[214] A body with synodical powers was desired and the special meeting at Friedrichtown, Md., formulated the request for permission of the synod to which all belonged to organize such a body.

THE ORGANIZATION OF THE SYNOD.

11 October, 1820, eleven clergymen and seven lay-delegates assembled and took the steps necessary for the organization of a synod.[215] As the first item of business recorded there was passed a resolution that a committee consisting of three pastors and three lay-delegates be appointed

> to draught a constitution for this Synod, and that the constitutions of the Pennsylvania and New York Synods be consulted by the committee.

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214 Wentz, *History of the Evangelical Lutheran Synod of Maryland*, 39-42.

215 *Proceedings*, 1820.

The chairman of this committee reported in part at the afternoon session of the same day and requested more time in which to complete the report. At the session of the next morning the chairman, the Rev. B. Kurtz, continued the report, and it was

Resolved, That the Constitution as reported by the Rev'd. B. Kurtz with the amendments made by this body, be now adopted.

Another resolution immediately followed which provided that

this constitution may be altered and amended at the next Synodical meeting, by a majority of the members who shall then be present.

This first session appears to have been a busy one, marked by a number of progressive projects, but the only matter of consequence for the purpose here is the resolution laying upon every member of the Synod a duty of preparing materials for a "discipline" to be introduced into the congregations, and to offer them at the next meeting.

THE DEVELOPMENT, 1821-9.

At the next convention, 2 September, 1821,[216] the committee on the "discipline" reported that, in its opinion, the matter was of too great importance to be finished at the present session; that a committee to prepare such a discipline be appointed, which committee shall meet from time to time and to which every member of the Synod shall communicate his ideas upon the subject. The committee was to report at the next convention. At the next convention the committee submitted a form of discipline which was examined at length, amended, and adopted, "nem. con."[217] It was then resolved that it be carefully revised by the President and further that it be submitted to the consideration of the next General Synod and that "it be obligatory upon each

216 *Proceedings*, 1821.
217 *Proceedings*, 1822.

member of this Synod, to prepare the minds of our people, for its acceptance."

At the next convention[218] the "Formula of Government and Discipline," having been submitted to the consideration of the General Synod—held October, 1823,—was considered by the Synod together with several amendments which had been proposed by the General Synod. Discussion followed as each proposed amendment was considered separately, after which it was

Resolved: That it is the duty of our several Church-Councils to introduce this Formula, as prudence and Christian principles may dictate.

It was ordered to be translated into the German language, and after receiving the most advantageous proposal for printing, it was allowed that 1,000 copies in each language should be printed. This is to be understood as the basic statement of principles underlying the Lutheran government and discipline, and was so later received by the General Synod, with additions which in turn were adopted by the Synod of Maryland and Virginia.[219] This Formula was shortly afterward instrumental in settling a dispute in the congregation at Strasburg, Virginia, for in May, 1824[220] it was proposed as a basis for union between the factions and was thereupon unanimously adopted by the congregation. At this same convention a committee was appointed to revise the constitution of the Synod, the same to report at the next session.

It has not been possible to find the constitution of the synod effective previous to this time, but inasmuch as the Synod was organized by men who had come out of the Pennsylvania Synod, it is reasonable to suppose that the constitution of that body was largely taken over. This is borne out when the comparative shortness of time needed to adopt

218 *Minutes*, 1823.
219 *Minutes*, 1828.
220 *Minutes*, 1824.

a constitution at the first convention is remembered, and by later references to the *Ministerial Ordnung* in which a chapter, article and section number corresponds exactly with that of the constitution of the Ministerium of Pennsylvania then in effect.[221] Reference to re-eligibility of officers for election made at the convention of 1825[222] also shows a similarity to the constitution of the Ministerium of Pennsylvania.

The committee on revision of the constitution of the Synod did not report at the next meeting. This might have been due to the absence of the chairman, Dr. Kurtz.[223] In 1826[224] without reference to the above mentioned committee it was

> Resolved, That a committee be appointed to revise, amend, and translate the constitution of this Synod and report the result of their labors at the next Synodical meeting.

No reference to the report of this committee is to be found in the proceedings of the next synodical meeting.[225] The same is true for 1828.[226]

At the convention of 1829 the "brethren in Virginia" were absent and synod deeply regretted this absence and "their not writing to the Synod agreeably to the constitution."[227] On inquiry it was found that the "brethren in Virginia" had during the past year held a conference "with the view of taking preparatory steps to form themselves into a distinct synod." It is likely that the committee on the synodical constitution had been dilatory, for upon motion the committee was released, whereupon immediately another committee of three was "appointed to resume and complete, until our next session, a suitable constitution for the government of this synod." The matter of a constitu-

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221 *Minutes*, 1823: 16.
222 *Minutes*, 1825.
223 *Minutes*, 1825.
224 *Minutes*, 1826.
225 *Minutes*, 1827.
226 *Minutes*, 1828.
227 *Minutes*, 1829.

tion was finally settled at the convention of 1830[228]—when it was the "Evangelical Lutheran Synod of Maryland"—when it was

> Resolved, That the Constitution for the government of Synods, as prepared and recommended by the General Synod, be now read. Whereupon it was read and after a few amendments adopted.[229]

Thus the Maryland Synod developed until the close of the period of interest here. It was a vigorous body from the beginning, and notwithstanding continued action for a revision of its constitution was really well-organized. It was comprised of men of influence and congregations of strength and it was interested in the greater growth and prestige of the Lutheran Church in America. This latter end, it believed, could be best attained through the agency of the General Synod, of which it became probably the strongest supporter of all the district synods. This relationship will be discussed in more detail later.

THE DEVELOPMENT OF THE SYNOD OF SOUTH CAROLINA, 1824-9. THE ORGANIZATION OF THE SYNOD, 1824.

Lutheran congregations existed in South Carolina as early as the middle of the eighteenth century and to these reference has been made above, page 91. But no real knowledge of these is to be found until about the year 1787.[230] In February, 1788, the Legislature of South Carolina incorporated the "Corpus Evangelicum" which has already been described, page 93. In 1803 the organization of the Synod of North Carolina was of interest to the isolated congregations all over the South, and before many years had passed a few congregations and pastors from South Carolina had entered into synodical membership with the southern synod. Finally, 14 January, 1824, six clergymen met in St.

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228 *Minutes*, 1830.

229 This is in *Minutes of the General Synod*, 1829: 29 ff. A study of this constitution is reserved for inclusion under a later subject.

230 Hallman, *op. cit.*, Chapt. 1.

Michael's Church, Lexington District, South Carolina, with the intention of organizing a synod.[231] All had been at one time or another members of the North Carolina Synod. That there had been no internal strife in the Synod of North Carolina causing a schism would seem to be apparent from the statement which appears in the Minutes of that body[232] when note is taken of the organization of the new synod, viz:

> The ministers in South Carolina have since our last annual Convention organized themselves into a body of their own, and report now in our letter, that they wish to co-operate with us in love and unity. Our president will report to them that this is also our wish.

At the time of the organization the Rev. Godfrey Dreher "opened the Synod with singing and prayer," after which he proceeded

> to detail the anterior rites and titles which were established by our ancestors in the year 1788 and sanctioned by the government of this State, for the benefit of the Evangelical Lutheran Churches within the limits of its jurisdiction.

This doubtless had reference to "The Corpus Evangelicum" which was being cited as a precedent for Lutheran organization in the state. Upon discussion as to the organization of a synod of the state it was

> unanimously agreed, that the situation and wants of the Evangelical Lutheran Churches in this section of our country, require that a Synod be now organized.

An election was held; a candidate for the ministry was ordained; lay delegates were received as properly sent; the "*Augsburg Confession*" was accepted as "the point of union in our church"; rules were made and motions passed, and the Synod was organized and ready for action. On November 18 ff., 1824, the Synod again convened in larger num-

231 *Transactions*, 1824.
232 Perchau, 59.

bers and with representatives also from Georgia.[233] After Synod had organized and had transacted some business, it was

> Moved and Resolved, That the Rev. Messrs. Bachman, Bergman, and Hersher, be a committee for the revision and emendation of the Rules of our Synod, and report next Session.

Inasmuch as this is the first mention made of any formal sets of rules it is entirely likely that the Constitution of the Synod of North Carolina then in force had been brought over by those withdrawing from that body to form the new Synod.

THE DEVELOPMENT OF THE SYNOD, 1825-34.

The second regular convention met November 24 ff., 1825.[234] At this meeting, upon motion, the committee on revision and amendment of the Constitution and Rules of the Synod was given until the ensuing session to prepare its report. As one of the members of the committee had been expelled from the Synod, another was named to serve with the two other original members.

What this committee reported at the convention of 1826 it is not possible to say as no record of the minutes of this meeting is available for study. Nor could those of 1827 be consulted. It is entirely probable, however, that the committee referred to at the 1825 convention did not report a final form of constitution either in 1826 or 1827, for at the convention of 1828[235] it was stated that the

> committee to whom had been assigned the duty of framing a constitution for the use of the Synod, rendered in a report containing the result of their labors, which, on motion, was read by the Chairman of the Committee.

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233 *Proceedings*, 1824. Attached to these Proceedings is an appendix containing a Report of the Committee of Synod on the State of the Churches within the jurisdiction of Synod. This contains detailed information of value.

234 *Proceedings*, 1825.

235 *Proceedings*, 1828.

Upon this, it was

Resolved, That the constitution prepared by the committee be accepted, and that during the recess of the Synod, a careful consideration be given it by the ministers, in order that amendments, if deemed requisite, may be suggested at the next convention of the ministerium, in order to its adoption.

Unfortunately no record of the convention of 1829 could be found. No mention is made at the convention of 1830 of the constitution;[236] nor at that of 1831;[237] nor at that of 1832.[238] But at the convention in 1833,[239] it was

Resolved, That a committee be appointed to draft a Constitution for the government of this Synod, to be submitted to the consideration of this Body at its next session; and that the plan of a Constitution, prepared some years ago by a committee designated for that special purpose, be the basis of such constitution.

This Constitution, being presented at the next Convention, was considered, amended, and adopted and 250 copies of the same were ordered to be printed.[240]

From the above it is believed that the conclusion is fair that the Synod of South Carolina had no constitution different from that of the Synod of North Carolina until 1834, but that previous to that it operated under the constitution of the mother-synod, North Carolina, modified and changed to suit its peculiar needs and desires. For all purposes here it seems to be enough to note the above development and pass on.

The question of the preparation of a general form of *Church Discipline* for the churches of the Synod came up at the Convention of 1830.[241] At the next convention[242] the committee appointed to prepare such a form reported that

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236 *Proceedings*, 1830.
237 *Extracts from the Minutes*, 1831.
238 *Extracts from the Minutes*, 1832.
239 *Extracts from the Minutes*, 1833.
240 *Extracts from the Minutes*, 1834.
241 *Proceedings*, 1830.
242 *Extracts from the Minutes*, 1831.

they had carefully considered the *Church Discipline* as published by the General Synod and had concluded that it was in "conformity with the principles of our church" and recommended "its adoption in our churches, as far as this formulary may accord with the Charters by which these churches are governed." The report was adopted, "nem. con." At this same convention the question of union with the General Synod was opened; in 1833 the Synod, unanimously, accepted a report, advising union with the General Synod, with certain minor reservations.[243]

THE DEVELOPMENT OF THE SYNOD OF WEST PENNSYLVANIA, 1825-9. PRELIMINARIES, 1823-5.

At the convention in May, 1823, the Pennsylvania Synod resolved not to send delegates any longer to the General Synod and thus the Synod deserted the organization which it had been most active in bringing into existence.[244] The vote on this proposition was 72-9, of which of the latter party a majority were from west of the Susquehanna River. 15 July, 1823, there gathered in York, Penna., the Revs. Schmucker, Sr., Herbst, Jr., and Schmucker, Jr., the last a member of the Synod of Maryland and Virginia. They met for consultation concerning the present state of affairs and agreed that Rev. Schmucker, Sr., should publish the time for the meeting of the Pennsylvania Special Conference on the first Sunday in October. It was further agreed that the Rev. Schmucker, Sr., and Herbst, Jr., should "use their utmost influence at the Special Conference" to have certain resolutions passed.[245]

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243 *Extracts from the Minutes*, 1833.

244 *Verhandlungen*, 1823: 16 & 17.

245 Ms. in hand of S. S. Schmucker, attached to the *Verhandlungen* of the Ministerium of Pennsylvania, 1823, in the "Schmucker Collection." Inasmuch as S. S. Schmucker occupies a position of primary importance in the Lutheran Church in America for fifty years, 1820-1870, a sketch of his life and work is in place here. The son of Rev. John George Schmucker, a prominent member of the Ministerium of Pennsylvania, Samuel Simon Schmucker was born 28

The "Special Conference" was held in York October 5 ff., 1823, and consisted of pastors and lay-delegates who lived in Pennsylvania west of the Susquehanna River.[246] The first item of importance was the presentation of the set of resolutions which had been agreed upon at the consultation in York in July.[247] These were unanimously adopted. They set forth first, that the Conference was fully persuaded that the General Synod was a useful and necessary organization; second, that these sentiments should be laid before the next convention of the Pennsylvania Synod and an effort made to have the Synod reconsider its action of withdrawal; and

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February, 1799. Upon the removal of the family to York, Pa., in 1809 he entered the York Academy. At the age of fifteen he entered the University of Pennsylvania and remained there in residence two years. During this time he spent some time also in studying theology under the Rev. Dr. Helmuth, of Philadelphia. 16 July, 1816 he returned to York to take charge of the Classical Department of the York Academy. He resigned this position in November, 1817 and 17 August, 1818 he entered the Theological Seminary at Princeton. He was enrolled in the second year class and completed the course 30 March, 1820. While at Princeton he was intimate with Messrs. McIlvain and Johns, both of whom became Bishops in the Protestant Episcopal Church, and with Robert Baird. He had as professors Drs. Alexander and Miller. He was licensed to preach by the Ministerium of Pennsylvania 2 June, 1820, and in December, 1820, began his work in the Woodstock, Va. parish. He was ordained by the Synod of Maryland and Virginia in September, 1821. He was a forward-looking young man, deeply concerned to advance the Lutheran Church in America. "When I left Princeton there were three *pia desideria*, which were very near my heart, for the welfare of our Church. A translation of some one eminent system of Lutheran Dogmatics, a Theological Seminary, and a College for the Lutheran Church." (From his *Diary*, quoted in Anstadt, *Life and Times of S. S. Schmucker*, 112). Within ten years he saw all three *desideria* accomplished. He early took an active part of the affairs of his own Synod and in the General Synod. He saved the General Synod from dissolution by his activity in its behalf. In 1825 he was elected as Professor in the newly-established Theological Seminary at Gettysburg, entering upon his duties in 1826. Here he remained in active service until 1864 when he resigned to live a retired life until his death in 1873. As Professor of the Seminary he did his great work, all the time taking an active part in the general work of the Church. (For details as to his later activity see below, *passim*, and for further biographical material, see works listed in the *Bibliography*, under *Biography*).

246 Except Kurtz of Baltimore.

247 *Verhandlungen der Special-Conferenz; Gehalten zu Yorktaun, auf den 6th. and 7th. October, 1823.*

third, that a delegation of the Conference be present at the next meeting of the General Synod—20 October, 1823—to communicate these resolutions. Following this the Secretary laid before the body the important question as to the convenience and usefulness of a separate synod, west of the Susquehanna in Pennsylvania. After consideration, it was resolved that such a synod is both convenient and necessary, and that application for permission to form such be made at the next meeting of Synod in Carlisle. It was then decided to print and distribute the minutes of the meeting of this Special Conference, and also a circular letter to be sent to all Lutheran preachers west of the Susquehanna River, both the minutes and the letter to be signed by the president and the secretary of the Conference. It was found that the number of such preachers to whom the letter should be sent was twenty-seven.[248]

These matters were presented to the Synod of Pennsylvania at its meeting in June, 1824, and it was resolved[249] that consideration be deferred until the next Synodical meeting. Following this a number of ministers living west of the Susquehanna assembled again on November 6 ff., 1824, at Greencastle, Pa., for a second Special Conference. After routine matters had been disposed of the chief business of the Conference, namely, the formation of a new synod on the west side of the Susquehanna River in Pennsylvania, was taken up.[250] After discussion the following resolutions were unanimously adopted: first, that since all are persuaded of the wisdom of forming a new synod west of the Susquehanna, after the next meeting of the Pennsylvania Synod to be held in Reading—1825—"we be considered as a separate Synod"; second, that these resolutions shall be laid before the next synod of Pennsylvania and in a

248 This letter, dated York, Penna., 7 October, 1823, is to be found in the volume in the "Schmucker Collection" referred to in Note 244 above.

249 *Verhandlungen*, 1824: 7.

250 *Verhandlungen der Special Conferenz gehalten zu Greencastle, den 7ten, 8ten, und 9ten November 1824.*

brotherly spirit recognition as a separate synod be acknowledged; third, that the organization meeting of the new Synod be in September, 1825, at Chambersburg; fourth, that a circular letter be sent out to the brethren west of the Susquehanna who were absent from the Conference, giving them all information; and fifth, that 250 copies of the proceedings of this Special Conference should be printed. The "Circular" was included in the printed copy of the "Proceedings,"[251] and set forth the decision and the desires of the Special Conference. The size—in extent of territory and number of churches—of the Pennsylvania Synod, and the consequent difficulties of the gathering and entertainment of the Synod are given as the chief reasons for the formation of a new body. But of course, as has been shown, the desire to support the General Synod was the first motive for a separate organization. The Pennsylvania Synod in convention in 1825 resolved that it heard with regret of the desire of the brethren west of the Susquehanna River to withdraw and form a Synod, but it was further resolved that as soon as this Synod could be organized, it should be recognized as a sister-synod.[252]

THE ORGANIZATION AND DEVELOPMENT OF THE SYNOD, 1825-31.

5 September, 1825, twenty-one ministers and twelve lay-delegates met to organize the Synod of West Pennsylvania.[253] Eight ministers were reckoned to be absent. It was unanimously resolved:

> That the old *Ministerial Ordnung* of the Evangelical Lutheran Church in Pennsylvania and the adjacent States, be acknowledged by us, as our *Constitution*, nevertheless with this special proviso, to make such alteration from time to time, as may by this body be deemed necessary.

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251 Pages 7 & 8.
252 *Verhandlungen*, 1825: 15.
253 *Minutes*, 1825.

After officers had been elected the formal organization was proceeded to, and the name, "The Synod of the Evangelical Lutheran Church, West of the Susquehannah in the State of Pennsylvania," was adopted. Synod immediately began deliberation upon matters usually before such bodies in that day, and showed a notable vigor and purpose in the exaltation of the power and prestige of the organization. The second convention met 9 September, 1826.[254] Thankful acknowledgment of a grant of $250 which the Synod of Pennsylvania had voted the new Synod from its treasury, as a sum properly belonging to the congregations comprising it, was made. It was also shown that a desire existed "to continue in brotherly love and friendship with the above-named Synod." The Synod then considered the framing and introduction of a *"Church Government"* and authorized the President to appoint three ministers from each of the two synodical districts—these had been erected meantime—to frame a draft of a *Church Government* and to lay such a draft before their respective districts for consideration. On the next day Synod took up the consideration of the Synodical and Ministerial Constitution (*Ministerial Ordnung.*) The members of the first and second synodical districts had already deliberated upon the matter in their special conferences, and had inter-changed ideas. There were a number of suggestions for changes and improvement in the Constitution, all of which were laid over for further deliberation until the next convention.

It might well be expected that discussion of rules and regulations would be prominent in the next convention but the whole matter was disposed of in a single resolution.[255] "In reference to the Church Discipline," it was resolved to appoint a committee who should draft a Discipline,

according to the directions and amendments of the conferences of

254 *Minutes*, 1826.
255 *Minutes*, 1827: 18.

both districts, as contained in their minutes; and lay the same before the General Synod for Confirmation.[256]

The Minutes of 1829 contain nothing of interest to the purpose here.[257]

It appears that the Constitution of the Ministerium of Pennsylvania remained in force throughout this period. But in 1830[258] the Constitution for Synods prepared by the General Synod was considered and "with little alteration adopted, except a few sections, which from want of time could not be examined." At the next convention[259] the consideration of the Constitution was resumed and that part not considered at the previous convention was taken up, and finally approved after a minor modification was made.

THE DEVELOPMENT OF THE SYNOD OF VIRGINIA, 1829-39.

18 August, 1829, eight ministers and two lay delegates, resident in Virginia, assembled

for the purpose of taking into consideration the expediency of forming a separate and distinct Synod, consisting of the Ministers resident in Virginia.[260]

Officers were elected and a committee was

appointed for the purpose of framing a preamble and resolutions expressing the views and objects of the Conference.

This committee reported at the afternoon session on the same day and in a lengthy statement set forth the reasons for the assembly. These were said to be solely for the welfare of the church in Virginia. Resolutions attached called for the formation of a separate Synod, understanding that only the most friendly feeling continues toward the brethren of neighboring synods; that the Synods of Maryland

256 This means the Synodical Convention.
257 A record of the Convention of 1828 is not to be found.
258 *Minutes*, 1830: 15.
259 *Minutes*, 1831: 16.
260 *Proceedings*, 1829.

and of North Carolina be given copies of the proceedings with the hope that they will meet with their approbation; that every member of the Synod exert himself to gather materials for a synodical constitution, and to advance the interest of the church and its periodicals, and "our Seminary at Gettysburg";[261] that the basis of a constitution for the body "be the Holy Scriptures, the Divinity of Christ, as taught therein, and the unaltered Augsburg Confession." October 10 ff., 1830, the members again gathered. Elections were held and later a committee was appointed to draft a constitution for the Synod,[262] to report the next day. At that time the committee though considering the importance of the undertaking as of the greatest, recommended that it be discharged and that another be appointed to draft and present a constitution at the next annual convention for adoption. At the convention of 1831 this committee reported and the constitution which it presented was adopted as amended.[263] By a later action the Constitution was ordered to be printed in both German and English.

It seems that this Constitution was not long in force, for at the convention of 1833[264] it is recorded that the committee to draught a constitution for the Synod informed the President that it was not ready to report. Later this committee informed Synod that it was ready to report, as a result of which report a new constitution was considered and adopted, and the constitution was ordered to be printed with the minutes of Synod.

During the time studied here the Synod of Virginia was not in union with the General Synod. While at first it did not appear to have been the intention of those withdrawing from the Synod of Maryland and Virginia to form a body apart from the General Synod, at the meeting in 1830, following presentation of letters from congregations declaring

261 This had been founded in 1826.
262 *Minutes*, 1830.
263 *Minutes*, 1831.
264 *Minutes*, 1833: 5.

their desire to be apart from the General Synod, the following resolution was passed: "That this Synod do hereby withdraw from all connection with the Evangelical Lutheran General Synod."[265] Synod then felt called upon to set forth clearly the reasons for this action and a committee was appointed to draught and present a statement.[266] In 1839[267] action was taken bringing the Synod into the General Synod again.

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265 *Minutes*, 1830.
266 *Minutes*, 1831: 6 & 7.
267 *Proceedings*, 1839: 12.

CHAPTER IV.

THE FIRST GENERAL SYNODICAL ORGANIZATION.

Having studied the development of the district synods up to 1829, it is now in order to consider in detail the organization and development, up to 1829, of the first general synodical body. "The Evangelical Lutheran General Synod of the United States of America," as the constitution adopted in 1820 fixed the name, was this first general synodical body.[1]

While the name, "General Synod," had been used in the records of the several district synodical organizations to designate the respective bodies[2] in general convention assembled, it is not seriously questioned that the organization in 1820 was the first to be entitled to the designation[3] "General," by reason of its scope and the purpose underlying it. Certainly it was the first inter-synodical organization in the Lutheran Church in America. What brought it to pass will be the subject of consideration later in this work. The present interest is merely to trace its organization and development. Suffice it to say here that it is held by competent historians[4] that the General Synod "saved the

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1 As the "General Synod of the Evangelical Lutheran Church in the United States," this body was in active and continuous operation —it still has legal existence—until in 1918 it merged with the "General Council of the Evangelical Lutheran Church in the United States,"—organized, 1867—and the "United Synod of the Evangelical Lutheran Church in the South," organized, 1863—to form the "United Lutheran Church in America." In 1918 only two synods which had been members in 1829 remained in membership, Maryland—successor to the Synod of Maryland and Virginia—and West Pennsylvania; the General Council contained the Ministerium of Pennsylvania and the Ministerium of New York, while the United Synod contained the Synods of North Carolina, Tennessee, South Carolina, and Virginia. The Synod of Ohio as it existed in 1829 was never a member of any of these general bodies. See "Minutes of the First Convention of the United Lutheran Church in America," 1918; pages 4-8.

2 Early, "The Ministerium of Pennsylvania and the Organization of the General Synod," in *The Lutheran Church Review*, 11:61: *Constitution of the Ministerium of New York*, 1816.

3 But see title of Pennsylvania Ministerium as of 1781.

4 Jacobs, *op. cit.*, 362; Wentz, *op. cit.*, 46.

church," especially as it was becoming Anglicized, and consequently it is entitled to a high place in the history of the Lutheran Church in America.

EARLIEST PROPOSALS FOR A GENERAL SYNOD.

In 1818 there were four district synods of the Lutheran Church in America, namely, those of Pennsylvania, New York, North Carolina, and Ohio. The last had in that year assumed the status of an independent synod. For some years prior to this certain persons had evidently been interested in a closer drawing together of all the Lutheran Churches. Cordial relations existed between the bodies and courtesies were always extended to visiting brethren at synodical conventions. All the synods gave seat and vote to recognized members of other synods,—dual membership even allowed—ante, page 67,—printed minutes were freely exchanged, and in 1811[5] the proposition to open correspondence with the Pennsylvania Synod was introduced in the North Carolina Synod. In 1818 there were on the roll of the Pennsylvania Synod 98 ministers of all ranks.[6] These were serving congregations in widely separated fields. Those in points farthest distant were finding it difficult, even impossible, to get to the synodical conventions, and to profit by the synodical prestige and inspiration. Therefore they were asking for permission to break away from the mother-synod and to establish independent synods. In such case all relationship might cease; there might even come to be hostility and unhealthy rivalry among several bodies, if no bond of union held them together and bound them to the same ideals and principles. Why not a general synodical, or inter-synodical, organization?

In line with such a project at the convention of 1818 of the Ministerium of Pennsylvania it was

Resolved,..... that the Synod thinks it were desirable if the various

5 Peschau, 15.

6 Even those who had gone out into the new Ohio Synod were carried in that year on the roll.

Evangelical Lutheran Synods in the United States were to stand in some way or another in closer connection with each other, and that the venerable Ministerium be charged to consider this matter, to prepare a plan for a closer union, if the venerable Ministerium deem it advisable, and to see to it that this union, if it be desirable, be brought about, if possible.[7]

At the Ministerial Meeting of the same convention it was resolved,

That the officers of the Synod shall contribute a corresponding committee, to bring about, wherever practicable, a union with the other Evangelical Lutheran Synods in the United States.[8]

The Ministerium met in Trinity week, 1819, and among the letters presented on the opening day, Monday, were two, one from Gottlieb Shober of North Carolina and one from Dr. Quitman of New York, expressing a desire for a closer union of the Lutheran Synods in the United States. Immediately upon receipt of such encouragement from two leading men of two other synods, a committee of four preachers and three laymen from the Synod, and Gottlieb Shober, who was present as the representative of the Synod of North Carolina, was appointed to consider the matter of such a union, and as soon as possible draft a plan for that purpose.[9] On Wednesday the committee reported but it was

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7 *Doc. Hist.*, 517; *Verhandlungen*, 1818: 13. For the whole matter see Early, *op. cit.*

8 *Doc. Hist.*, 522; *Verhandlungen*, 1818: 18.

9 *Doc. Hist.*, 528; *Verhandlungen*, 1819: 6 & 7; Schmucker, "Extracts from My Lectures on the History of the General Synod," Manuscript, "At the meeting of the Penna. Synod above referred to, the Revd. Mr. G. Shober, a venerable minister of our Church in N. Carolina, appeared as delegate for the express purpose of proposing and urging the formation of a General Union among our Synods. That zealous and respected father in Christ, who has since gone to his rest, had prepared the outlines of a plan which was read before the Synod very much resembling the constitution of the General Assembly of the Presbyterian Church. This was submitted by him to the Synod, and formed the basis of the discussion on the subject. (Note—No. 1. It was referred to a committee consisting of Revd. Shober, Dr. Fred. Dan. Schaeffer, Dr. Danl. Kurtz, Revd. G. Lochman, and Dr. Endress, with the lay delegates, Messrs. Damuth, Keller, Schorr.) Several days of fraternal deliberation and discussion took place, in which having ourselves been present, we can testify that the

resolved to postpone the matter until Thursday[10]. On Thursday it was taken up and upon vote the results were "forty two for the General Synod, and eight against the same." It was then resolved that the report be revised after which 600 copies were to be printed and a copy sent to each preacher and each congregation, and 50 copies to Shober for distribution in North Carolina.[11] This report, as revised, was known as the *"Plan-Entwurf zu einer Central- Verbindung der Evangelisch-Lutherischen Kirche in den Vereinigten Staaten von Nord-Amerika."*[12] It is in order to study this *"Plan-Entwurf"* in detail.

THE "PLAN-ENWTURF" OF 1819.

The committee in presenting the *"Plan"* took occasion to say that the Evangelical Lutheran Church had spread itself over a great part of the United States and had organized bodies known as[13]

> Synods, or, as others call it, Ministeriums, in order to keep the bond of love and unity, and amicably to settle any differences that might arise.

But the number of those bodies had so increased that there was danger of bringing divisions and departures "from the end and object hitherto pursued in common by said church," Therefore

> it appears to be the almost universal wish of the existing Synods or Ministeriums, that a fraternal union of the whole Evangelical Lu-

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spirit of brotherly love most visibly reigned. The so-called "Plan-Entwurf,' i. e., 'Sketch of a Plan,' was adopted by a vote of 42 to 8. In this 'Plan,' the strongest features of the outline presented by Revd. Shober are softened down almost into Congregationalism."

10 *Doc. Hist.*, 537.

11 *Ibid.*, 538.

12 Baltimore, 1819. An original copy in the Lutheran Historical Society was consulted, also a translation of the same in *Doc. Hist.*, 541-4.

13 All quotations are taken from the translation as in *Doc. Hist.*, 541-4.

theran Church in these United States may be effected by means of a central organization.

Then followed the *"Plan"* in eleven sections.

Section 1 sets forth the proposed name of the union of synods as "The General Synod of the Evangelical Lutheran Church in the United States of North America." Section 2 suggested that this body be composed of delegates from all existing Synods and from such as might be organized in the future, with the ratio of representation fixed according to an appended schedule but "for every two clerical one lay delegate." But every Synod was to have the right of representation by at least one clerical and one lay delegate. All delegates accepted were to have equal privileges and votes as members of the body. Each Synod was allowed discretion in the manner of electing delegates, as well as the mode of meeting their expenses. Section 3 provided that each convention should elect its own officers who should serve until the next convention; time and place of the next meeting were to be fixed by the convention, in "such manner, however, that at least one General Synod is held in three years."

Section 4 sets forth that

> the General Synod has the exclusive right with the concurrence of a majority of the particular synods to introduce new books for general use in the public church service as well as to make improvements in the Liturgy,

but until this was done books in use at that time should be continued. But the General Synod has no power to make or demand any change whatever in the doctrines (Glaubenslehren) hitherto received among us. Section 5 provides the method for creating new synods. Until the recognition of the General Synod had been given to a newly-organized body it was not to be recognized by any constituent ministerium nor should its ordination be deemed valid. In Section 6, Synods, whether already existing or to be formed, were never to be hindered "in the appointing and ordaining

of ministers at their own discretion within their own bounds." They were also to "retain forever" the privilege of controlling affairs within their own districts, provided, that in the control they did not come in conflict "with these fundamental articles of general organization." But the General Synod was given the jurisdiction over internal rules and regulations of the Synods on appeal. By Section 7 the General Synod was authorized "by and with the approval of a majority of the particular Synods or Ministeriums proper, to fix grades in the ministry which are to be generally recognized." Until this was done, the grades in force in the particular Ministeriums were to continue. Section 8 provides that if division or dissension as to doctrine or discipline should arise in any Ministerium, such questions were to be brought before the General Synod "only when a full third of the members of such Ministerium present appeal to it for that purpose." Section 9 gave to every minister who was not satisfied with the decision of his Synod the right of appeal to the General Synod. Section 10 allowed the continuance of the old practice of the Synods of granting to visiting ministers from other Synods a voice and vote. But it was laid down that no minister should go from one Synod to another as a full member unless he be formally and honorably dismissed. Section 11 provided that this plan was to be sent to "all Evangelical Synods or Ministeriums in these United States as a proposal for a general organization." Then, those bodies which adopted it "at least in its spirit and substance," were to notify the President of the Ministerium of Pennsylvania as soon as possible. If it were found that three-fourths of such bodies had adopted it, the President was to make that fact known to such as had adopted it, at the same time designating where and when the first General Synod was to be held. The adopting bodies were then to elect their delegates who were to make up the General Synod and draw up a constitution, "as much as possible, however, in agreement with the above-mentioned *'Plan-Entwurf.'* "

An explanatory note was attached in which the terms "Synod" with the addition "or Ministerium" were set forth as standing for "Synod or Ministerium according to the name in use by the bodies of which the Proposed Plan actually speaks." But when the term "Ministerium" was used alone it was to denote "a body consisting of preachers alone, which might use the right of ordination." Attestation was made by the President and the Secretary of the Ministerium of Pennsylvania as having adopted "in substance" by that body.

At the convention of 1820—May 28 ff.—of the Ministerium of Pennsylvania, after "much had been said for and against the General Synod,"[14] three resolutions were adopted which laid down the following: first, that in the opinion of the Synod a General Synod ought to be organized "in accordance with the spirit of the *"Plan-Entwurf,"* but with the provision that the Constitution for the same as proposed in the 11th section of the *"Plan"* be submitted to the Synods for decision, instead of being finally decided upon by the delegates of these Synods in General Synod; second, that the delegates to a General Synod, however, be allowed to formulate such a Constitution; third, "that when three-fourths of the existing Synods (including this Synod) accept the Constitution, it shall be considered as binding." On the next day the Synod proceeded to the election of delegates to the General Synod, and, according to the *"Plan,"* chose six clerical delegates[15] and three lay-delegates. It was further resolved that the Convention of the General Synod should be held on the fourth Sunday of the succeeding October at Hagerstown, Md., and that if any of the elected delegates could not be present they should have the right to appoint substitutes.[16]

The North Carolina Synod elected[17] delegates, as did also

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14 *Doc. Hist.*, 553 & 4.

15 As this was before the withdrawal to form the Synod of Maryland and Virginia, the Synod had more than eighty-six ministers on its roll. It was therefore entitled to the maximum representation.

16 *Doc. Hist.*, 556 & 7.

17 See above, page 101 ff.

the Ministerium of New York,[18] and the Synod of Maryland and Virginia which had been organized less than two weeks previous to this meeting of the General Synod. The delegates—deputies—from these several Synods met in Hagerstown, Md., on the 22nd of October, 1820 and remained in session until the 24th. The Synods of Ohio and Tennessee were not represented. In all eleven ministers and four laymen were in attendance, representing four synodical bodies.[19]

The chief, indeed the only real, business properly before the meeting was the framing and the adoption of a Constitution. In this connection it was decided that the convention should vote by Synods, each Synod having one vote. Deliberation began on Monday morning and throughout that day and the next it was continued until a Constitution "in all its parts unanimously agreed to" was produced which was then to be laid before the several synods for "consideration, adoption and confirmation."

STUDY OF THE CONSTITUTION OF THE GENERAL SYNOD.

The *"Plan-Entwurf"* for a general organization, as prepared and proposed by the Ministerium of Pennsylvania, furnished the essential basis for the Constitution.[20] It can

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18 See above, pages 83, 4.

19 "Proceedings of the convention for the Formation of the General Synod," contained in the original protocol entitled, "Proceedings of the General Synod of the Evan. Luth. Church in the United States (of North-America.)" This is in the Lutheran Historical Society and has been used continuously in the study of the General Synod contained here.

20 "The Constitution of the Evangelical Lutheran General Synod in the United States," as contained in the protocol of the first convention, and as printed, has been used here. But *The Constitution of the General Synod of the Evangelical Lutheran Church in the United States of North America,* as printed in the *Minutes of the Proceedings of the Fifth General Synod of the Evangelical Lutheran Church in the United States,* (1829) pages 41-44, has been used for purposes of comparison and to show certain slight changes made by amendment by the synods and accepted by the General Synod, before final adoption. S. S. Schmucker's personal copy of the *Constitution* as contained in the protocol of the first convention, will be followed here. In this copy Schmucker has made notations in his own hand.

be seen that the delegates followed the *"Plan"* very closely, although certain differences between the two can be easily discerned.

In the preamble the Lutheran theory of the polity of the church is set forth, in that it is said that

> *Jesus Christ*, the Supreme Head of His Church, having prescribed no special Regulations concerning Church government, and every sectional portion of the Church being left at full liberty to make such regulations to that effect, as may be most adapted to its situation and circumstances,

the deputies of the four district synodical bodies adopt certain fundamental articles which then follow. Article I fixes the "style and title of this Convention" as "The Evangelical Lutheran General Synod of the United States of North America." Article II provides that

> this General Synod shall consist of the Deputies of the several Evangelical Synodical Conventions in the United States, who may join themselves thereunto and be duly acknowledged as members thereof,

in the ratio appended, with an equal number of ministers and laymen.[21] All deputies are to enjoy equal rights with all others, except as later provided, and each Synod may choose its Deputies as it thinks fit, and shall pay the expenses of the same "until the General Synod shall have established for itself a treasury from which the future expenses may be discharged." Article III specifies the business of the General Synod under eight sections. By Section I, it shall examine the proceedings of the several district bodies in order to obtain some knowledge of the existing state and condition of the Church. Therefore, the Synods shall transmit as many copies of their proceedings as there shall be members of the General Synod. Section II converts the General Synod into a joint committee of the synods with regard to all *Books* and *Writings* proposed for public use in the church, to act in the following manner, (1)

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21 The *"Plan"* provided for twice as many ministers as laymen. See above, page 150.

it shall examine and pronounce upon all books and writings proposed by the synods for public use. Therefore no Synod, or Ministerium, in the connection might set forth any book or writing of the kind above mentioned, for public use in the church, without having previously transmitted a full and complete copy thereof to the General Synod for "advice, counsel, or opinion." (2) the General Synod, whenever it deem it proper or necessary, might propose to the Synods new books, etc. Every such proposal shall be duly considered and if the decision is not favorable to adoption,

it is hoped, that the reasons of such opinion will be transmitted to the next convention of the General Synod, in order that the same may be entered on their journal;

(3) but the General Synod was never to be allowed

to possess, or arrogate unto itself, 'the power of *prescribing* among us *uniform ceremonies of religion* for every part of the Church'; or to introduce such alterations in matters appertaining to the faith, or to the mode of publishing the Gospel of Jesus Christ, (the Son of God, and ground of our faith and hope) as might in any way tend to burden the consciences of the brethren in Christ.

Section III lays down the same conditions and method for organizing new synods as was proposed in Article 5 of the *"Plan,"* except that there is no mention made of the refusal to recognize the validity of ordination of an unauthorized synod. In Section IV the General Synod is given advisory power with respect to the grades in the Ministry, as well as concerning rules and regulations for Synods to care for possible disputes between them. Section V sets forth that the "General Synod shall not be looked upon as a Tribunal of Appeal." However, it was given advisory power in the following matters: (1) it might give advice or opinion when complaints were brought by "whole Synods, Ministeriums, Congregations, or individual Ministers, concerning doctrine or discipline." But care was to be taken that consciences of the Ministers be not burdened and that no one be oppressed by differences of opinion; (2) the General Synod

might give an opinion in the case of a difference submitted in a friendly way; (3) when differences between Synods are to be considered, the votes are by Synods, but the referring Synods were to have no vote. Section VI authorizes the General Synod to devise plans for various kinds of institutions, for the aid of poor ministers, and widows and orphans of ministers, and to carry such plans into effect. Section VII makes possible the institution and creation of a treasury "for the effectual advancement of its purposes." Section VIII lays upon the General Synod the duty and obligation of striving to prevent schisms, to be regardful of the times, to notice every "casual rise and progress of unity of sentiment among Christians in general, of whatever kind or denomination," so that general concord and unity might not pass by neglected.

Article IV specifies the officers of the General Synod who were to continue in office until the next succeeding convention. No limit is set for the eligibility of persons for the office of secretary or treasurer, but no one is to be elected president more than two conventions in succession, and the same person could not be thereafter elected for the two immediately following conventions. Section I details the duties and rights of the President. Section II gives the same for the Secretary. In both cases the usual functions incident to these offices in common parliamentary practice are prescribed with some modifications to meet this special case. Section III provides for the filling of vacancies in the interim of conventions. Section IV prescribes the duties of the Treasurer.

Article V lays down the course of business to be conducted at the convention, under ten heads. The organization of the convention, with the certification of delegates, and the noting of a quorum, together with assignment of places of entertainment, come first in order. Election of officers then follows, and then the proceedings of the former convention are read. Then "follow the several portions of business according to Article 3d, section for sec-

tion." Following this "other mixed motions may be made," and after this, in conclusion,

> the General Synod shall appoint, by ballot the time and place of the next convention, observing at all times, however, that one convention at least, be held every three years.[22]

Article VI makes provision for the enactment of by-laws, specifying in limitation only that they "do not contradict the spirit of the constitution." Article VII required that

> no alterations may be made except by the consent of two-thirds of the Synods attached to this convention; notice of the intended alteration having been given to the said Synods at least two years previous to the final adoption thereof.

This constitution was agreed to 24 October, 1820, by all of the clerical and lay-delegates in attendance upon the meeting.

After the constitution had been completed and adopted the following resolutions were unanimously adopted: First,

> That in case one or more of the Synods shall not be satisfied with every part of this constitution and make known to the chairman of this convention a conditional adoption thereof, the chairman shall communicate the circumstances to the other Synods and the General Synod may in the next convention deliberate thereon, and shall in the adoption or rejection of the proposed condition, vote by Synods;

Second,

> That if three of the Synods here represented shall have confirmed this constitution the chairman shall give public notice that the next General Synod convene in Fredericktown in the State of Maryland on the third Monday in October, Anno Domini 1821;

third, the proceedings of the convention, together with the constitution, were ordered printed, and the furnishing of each minister of all the interested Synods with one German and one English copy thereof was ordered to be made; fourth,

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22 The General Synod generally met every two years throughout its history.

That the chairman of this convention address a friendly letter to the President of the Synod of Ohio, encouraging him if possible, to prevail on the said Synod to unite with their brethren in the adoption of this constitution;

fifth,

That in pursuance of the 6th section of article 3d of this constitution, and fondly hoping that the several Synods will confirm the same, three committees be appointed to set the business of that section into proper train.

Accordingly there were appointed the following committees: (1) to form a Plan for a Seminary of Education; (2) to form a Plan of a Missionary Institution; (3) to form a Plan in aid of poor Ministers and Ministers' Widows and Orphans.

Upon the conclusion of this business the convention appears to have adjourned.

THE ATTITUDE OF THE DISTRICT SYNODICAL BODIES OF THE LUTHERAN CHURCH IN AMERICA TOWARD THE CONSTITUTION OF THE GENERAL SYNOD, AND TO THE GENERAL SYNOD ITSELF, UNDER ANY CONSTITUTION.

Although representatives of four district Synods agreed to the Constitution, as shown above, it was understood that the Constitution was not to be considered confirmed, nor the General Synod to be authorized, until three of the Synods there represented should so vote. Therefore the constitution, and indeed the whole question of the propriety and desirability of a General Synod, had to stand the criticism of elements not favorable in the various Synods. Inasmuch as the value and the prosperity of the General Synod depended upon the way in which it was received by the total membership of the district Synods, it will be of importance now to consider, somewhat in detail, the attitude of each Synod in this respect.

THE ATTITUDE OF THE MINISTERIUM OF PENNSYLVANIA.

At the convention of the Ministerium of Pennsylvania, June 1821, the delegates appointed at the previous convention to represent the Ministerium at the meeting of the delegates of the several Synods for the purpose of drawing up a Constitution (Grund-Verfassung,)[23] reported that they had performed their duty and were ready to lay before the Synod, for its acceptance or rejection, the Constitution which had been agreed upon.

On motion, this Constitution, together with the Protocol in which it is outlined, was read section by section, and its acceptance was voted upon. When the Second Section of the IV. Article was reached, it was *Resolved*, To postpone the further consideration until the afternoon.

In the afternoon, the consideration was continued and

After each section had been maturely considered and unanimously accepted, it was resolved, that the members be asked by name to vote for the acceptance or rejection of the whole.

The result was 67 for acceptance and 6 for rejection.[24] The election of delegates to the meeting which was to be held in Fredericktown, Md., in October, 1821, should two other Synods confirm the Constitution, was immediately held at which five clerical and five lay-delegates were chosen.[25] To both the clerical and lay-delegates the privilege of appointing others, in case they could not go themselves, was granted. Forebodings of a spirit of opposition to the establishment of a General Synod are to be seen in the letter in which Candidate G. F. Jaeger declares his dissatisfaction and that of his congregation with such an establishment. It was, however,

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23 *Doc. Hist.*, 581.

24 *Ibid.*, 581 & 2; *Verhandlungen der Deutsch-Evangelisch-Lutherischen Synode von Pennsylvania*, 1821: 18 & 19.

25 The Ministerium had now less than 86 ministers on its roll, due to the withdrawal of a number to form the Synod of Maryland and Virginia.

Resolved, That the majority must decide in this matter, and that after a decision it is the duty of the minority to yield.[26]

A letter from Messrs. Doering and Wartman, ordained pastors, expressed the same dissatisfaction both for themselves and their congregations.[27] Such opposition was later to develop as was sufficient to cause the Ministerium to withdraw from the General Synod.[28]

THE ATTITUDE OF THE MINISTERIUM OF NEW YORK.

At the convention of the Ministerium of New York in 1819 the President laid before the body the credentials of the Rev. J. C. Yager as deputy "from the Lutheran Synod of the state of Pennsylvania."[29] These credentials and a letter previously received by the President from the President of the Pennsylvania Synod were read by the Secretary.[30] The President of the Pennsylvania Synod had also sent a "certain printed paper, entitled 'Plan-Entwurf zur Vereinigung der Lutherischen Synoden in der Vereinigten Staaten,'" which was then read twice and afterward discussed at length as to contents and purpose. Whereupon it was resolved that a committee consisting of three ministers and two lay-men be appointed to

consult on the Plan-Entwurf deliberately and report thereon, and, in case they approve of the idea expressed in it, they either frame another plan as substitute, or modify it in such a manner, as to them may appear most proper.[31]

Later the committee reported and after their report was read twice and considerably discussed, it was unanimously resolved that it be accepted. The report set forth in substance that some of the principles of the Plan were at var-

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26 *Doc. Hist.*, 577.
27 *Ibid.*, 578.
28 This will be discussed under a later heading.
29 *Proceedings of the Evangelical Lutheran Synod of the State of New York*, 1819: 5.
30 *Ibid.*, 6.
31 For this whole matter, *Ibid.*, 8-12.

iance with the spirit of the constitution of the Ministerium of New York and then proceeded to give the outline of the *"Plan."* Then, the Committee gave as its opinion that

all the good effects, which the proposed Plan anticipates, may be realized with less trouble, danger and expense, by a general adoption and enforcement of the fourth section in the 9th chapter of the constitution of this Ministerium, vide page 31.[32]

The committee continues by pointing to this provision of the constitution of the New York as

eminently qualified, to contribute towards the general interest and welfare of the Evangelical Lutheran Church in this country;

and that

it appears to be the most practical and effectual mode, by which unity and concord may be promoted and preserved.

Therefore the committee recommended, (1) that the *"Plan"* be not accepted; (2) that the adoption of the fourth section of the 9th chapter of the constitution of the Ministerium of New York be earnestly recommended to the various Synods; (3) that the Ministerium continue to send Delegates and receive them according to this constitutional provision; ()4 that the Synod annually appoint a committee of correspondence,

who shall according to annual instructions from the Synod, correspond with like committees of other Lutheran Synods, on such subjects as may be best calculated to promote the prosperity, the extension and happiness of the Evangelical Lutheran Church in America;

(5)that the President and Secretary transmit a copy of this report and resolutions to the other Synods. Immediately the committee of correspondence of the previous year was continued, and the secretary was instructed to secure from other Lutheran Synods data whereby a list of

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32 Turning to the section thus cited, it can be seen that this provides for an exchange of Commissioners or Delegates between the New York Ministerium and any other Synod who fulfilled the conditions.

the clergymen of the Lutheran Church in the United States might be compiled for printing.

With this attitude expressed toward the idea of a central, or general, synod, it is surprising to find that in August, 1820, after the closing session of the Synod held at that time, the ministers agreed to send a delegation to attend the meeting called for 22 October at Hagerstown, Md., "when and where a plan for the formation of a general or central Synod should be discussed."[33] This accounts then, for the presence of two delegates from the Ministerium of New York at the convention in which the Constitution for a General Synod was unanimously adopted by the delegates present, but which Constitution was to be presented to the various Synods for final decision.

The Ministerium met again in May, 1821, at which convention the delegates reported on their mission to the meeting just referred to. Their report was adopted and consideration of the Constitution by the Synod began.[34]

> After considerable discussion on the whole, and its single parts, the individual votes of the ordained ministers and lay delegates being taken, the majority were found to be in favour of deferring the result of their considerations on the subject, until, having individually a copy of the Constitution, they should be enabled to bestow that attention on the subject it merited."

Thereupon it resolved that as soon as the ministers and vestries of the congregations of the Ministerium should be furnished with copies of the Constitution, they should consider that same and transmit their decisions to the President of the Ministerium "on or before the 15th day of September next," in order that the result of the deliberations of the Ministerium might be made known to the representatives of the other Synods to be convened in Frederickstown, Md., on the third Monday of October, 1821. The secretary was accordingly directed to write to the Secretary of the

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33 *Minutes, New York Ministerium,* 1820: 9.

34 *Extracts from the Minutes of the Synod of the Lutheran Church in the State of New York,* etc., 1821: 8-10.

General Synod concerning a sufficient number of copies of the Constitution.[35]

No delegates from the Ministerium of New York appeared at the meeting of the delegates from the various Synods held in 1821. This is explained by a statement of the Secretary at the next convention of the Ministerium—August, 1822—that

> few congregations had sent in their declarations concerning the General Synod.....and that a majority of the few who had expressed an opinion on the subject, had deemed the proposed plan inexpedient for the present.[36]

But the Rev. Mr. Lintner later gave notice that

> during the present session he would move for a reconsideration of the vote on the subject of the General Synod.[37]

At a later session the motion was called up and, after much discussion, it was resolved that the President should be requested to lay before the next Synod a report as to the decisions which he received from the different Church Councils—Vestries—on the subject of the proposed union with the General Synod.[38] The "Extracts" from the Minutes of 1823 make no mention of such a report having been made and so it is fair to conclude that none was made. The General Synod was to have no support from the Ministerium of New York as a body.

THE ATTITUDE OF THE SYNOD OF NORTH CAROLINA.

It will be recalled that the invitation from the Pennsylvania Synod to send a delegate to its convention in 1819 led the Synod of North Corolina to disregard its constitutional provision for the date of its annual convention, and

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35 Failure to provide a copy of the Constitution, in both German and English, to every minister, was in disregard of a resolution passed at the closing session of the general meeting in 1820.

36 *Minutes*, New York Ministerium, 1822: 5.

37 *Ibid.*, 6.

38 *Ibid.*, 17.

to meet earlier in order to elect and send a delegate.[39] Gottlieb Shober was the delegate chosen and he took an important part in the meeting of the Pennsylvania Synod, especially in looking toward the formulation of a *"Plan"* for a central synod.[40] When Shober was elected as delegate the Synod of North Carolina went on record as considering the "union of our Church in America," as "a thing very much to be desired," and it instructed him "if possible," to "favor, in the name of our Synod, such a union."[41] However, care appears to have been taken to guard the position of the Synod in this respect, inasmuch as a committee was appointed to give him "instructions," and

> He was assured that if a 'constitution' of our whole Church should be adopted, in accordance with his instructions, then said constitution is already hereby adopted by us, but if however, resolutions be adopted differing from the 'instructions' given, such resolutions must be presented to our next Synod for ratification or rejection.[42]

Shober was the only delegate in attendance at the meeting of the Pennsylvania Synod from another Lutheran Synod.

At the convention of the Synod of North Carolina in May, 1820, Shober presented his report as delegate.[43] He said that a plan had been agreed upon which had been printed and had been long in circulation in the Synod. But he explained that the Synod need not adopt it as it did not fully agree with the instructions which had been given him by the Synod. The question then was, "shall we adopt the plan?" This was considered item by item,

> and the necessity of having a central union was admitted even by those who were against this plan itself. The plan was adopted by a vote of 15 yeas, against 6 nays, that is by more than two-thirds majority.[44]

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39 See pages 101, 2.
40 *Doc. Hist.*, 528, 538, 539, 524.
41 Peschau, 36.
42 *Ibid.*, Bernheim, *op. cit.*, 439: "These instructions were not published in the minutes."
43 Peschau, 46.
44 The Henkels were not present and voting.

Immediately two ministers and two lay-delegates were elected to meet with representatives of other Synods in October, 1820, to unite with them in framing a Constitution and in forming a General Synod. The lay-delegates did not attend the meeting, but the two ministers did, and joined in the unanimous endorsement of the Constitution agreed upon to be laid before the Synods.[45]

At the conclusion of the North Carolina Synod in 1821 it is to be expected deliberation concerning the Constitution for a General Synod would be recorded. No record of such deliberation is available, but it is well-established that the Synod adopted the Constitution and entered heartily in the work of developing the new general organization. At the convention of the General Synod in 1821 two ministerial delegates were present from North Carolina, but the two lay-delegates elected were again absent.[46] In 1825 Shober was elected president of the General Synod.

THE ATTITUDE OF THE SYNOD OF OHIO.

The Synod (or Conference) of Ohio was never in connection with the General Synod, but inasmuch as the matter of such connection was considered by it, and as at least in 1823 delegates from the Synod were elected to attend the convention of the General Synod, it is necessary to study briefly its attitude and note the reasons for its persistence in the same.

The *"Plan-Entwurf"* having been agreed upon in May, 1819, it was presented to the Ohio Synod at its meeting at Canton August 29 ff., 1819.[47] This was accompanied by a fraternal letter from the President of the Pennsylvania Synod. The *"Plan"* was

> carefully considered and adopted in the hope that a united body would be of greater influences and blessing in the Lord's kingdom.[48]

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45 "Protocol," General Synod, 1820.
46 *Minutes*, General Synod, (1821).
47 Sheatsley, *op. cit.*, 66.
48 *Ibid.*,

But that there was opposition in the organization to the plan is evident from the report of a letter of the Rev. Stauch, President of the Synod of Ohio, to the Pennsylvania Synod,

> in which he makes known that some members of the Ohio Synod are unwilling to accept the (so-called) *'Plan Entwurf'* for a General Synod.[49]

At the same session

> A printed paper, in which certain members of the Ohio Synod express their doubts and give their reasons why they are unwilling to accept the *'Plan Entwurf.'*

was presented.[50]

At the next meeting of the Ohio Synod at Zanesville, September 16-19, 1820, the *"Plan"* was discussed again and a committee was appointed to bring recommendations before the body.[51] The following report was made:

> From the reports of the Synod of New York and the Carolina Synod we conclude that the purpose of the *'Plan'* to form a central synod cannot be attained; we therefore move that the resolution adopted at Canton be rescinded, and that we allow the matter to rest until we have had opportunity to examine the constitution of the central synod. If the same then meets our approval we will adopt it, if not, we do not care to involve ourselves further in this matter.[52]

Apparently, then, the Synod had endorsed the project of a general organization after the *"Plan"* in its convention of 1819 and had so notified the Synod of Pennsylvania. Accordingly, it is easy to understand that "it was much re-

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49 *Doc. Hist.*, 552.

50 *"Bericht," Tennessee Synod*, 1820: 60-68 is a paper entitled *"Bedenklichen Ursachen"*—proposed by some preachers in Ohio and others, setting forth why they will not accept the *"Plan-Entwurf"* for the "so-called" Central Synod. See also *Report*, Tennessee Synod, 1821: 19 & 20.

51 Sheatsley, *op. cit.*, 66.

52 The attitude of one member of the Ohio Synod is set forth in a letter to Paul Henkel, see *Report*, Tennessee Conferences, 1821: 10.

gretted that from the Synod in the State of Ohio the expected deputies did not appear."[53]

After the constitution had been framed and agreed to by the delegates present, one of the resolutions which then passed was that ordering the chairman of the convention to address a "friendly letter" to the President of the Synod of Ohio, "encouraging him if possible, to prevail on the said Synod to unite with their brethren in the adoption of this constitution."[54]

In September, 1821, at the Convention of the Synod of Ohio at Somerset, Ohio, the President, the Rev. Stauch, read the Constitution of the General Synod before the body. After each one had had opportunity to express himself, a resolution was passed to hold the matter of adoption in abeyance for another year, pending further consideration.[55]

In October of the same year at the meeting of the General Synod a letter was read from President Stauch. It was resolved that the Rev. Mr. Schmucker—whether father or son is not stated—should answer the same and that as many copies of the Pastoral Letter and of the minutes of the present convention as there were ministers in the Synod of Ohio, should be sent to that Synod.[56] At the convention of the Synod of Ohio in 1822 the Constitution of the General Synod was again discussed, article by article, and two men —J. P. Schmucker, and Steck, Jr.—were elected to go "to the next meeting of the Synod and there in love confer with

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53 *Proceedings of the Convention for the Formation of the General Synod* (1820) : 2. And S. S. Schmucker said—Manuscript of his "Lectures on the History of the General Synod"—that "The Synod of Ohio was also expected to send delegates, but they did not appear, and although I was present at the meeting also, I do not recollect whether the reason was assigned or known to the convention. None appears on their minutes; and as my collection of Ohio Minutes begins with the year 1821, I am unable to say what action that body took on the subject; although I well recollect that their principal ministers were at first known to be favorable to the union, and were expected to unite in the establishment of the General Synod."

54 *Proceedings*, 1820: 4.

55 Sheatsley, *op. cit.*, 66 & 7; *Verrichtungen der vierten General-Conferenz, Der Evangelisch-Lutherischen Prediger in Ohio*, etc., 1821: 5 & 6; Schmucker, "Lectures," says the same.

56 *Minutes*, 1821: 11.

the members of the same."[57] But the report of the meeting of the Synod of Ohio[58] shows that as a result of a letter presented to the Synod from the Senior Steck in which a report is made that the Synod of Pennsylvania will not send delegates at that time to the convention of the General Synod, the action of 1822 authorizing the delegates to attend the General Synod was rescinded and Schmucker was notified of the action. While it is true that the *Minutes* of the General Synod of 1823[59] list Schmucker and Steck "as delegates" from the Synod of Ohio there is no evidence to show that they were actually in attendance, but had merely been known to have been elected.

After the action rescinding the resolution to send delegates to the General Synod there is no record of any later action on the part of the Synod of Ohio toward the General Synod. That good feeling existed between the Synod of Ohio and other Lutheran Synods is evident from a resolution passed in 1824 to send 15 copies of the Minutes of the Synod of that year to every other Synod.[60] It was, however, too much to expect a daughter-synod to join in a body which its mother-synod had agitated for and then deserted. The Synod of Ohio existed alone for a time until it became the nucleus of a new general body which continues to the present day as "The Evangelical Lutheran Joint Synod of Ohio and Other States."

THE ATTITUDE OF THE SYNOD OF TENNESSEE.

Attention will need to be given to the attitude of the Synod of Tennesee to the General Synod, indeed to the whole idea of a general organization, although this body

57 *Verrichtungen*, 1822: 5 & 6; Sheatsley, *op. cit.*, 67; Schmucker, "Lectures," says, "two delegates (were) appointed to attend the meeting of the next General Synod and report on the proceedings, after which the question of permanent union with said body should be finally decided."

58 *Verrichtungen*, 1823: 5.

59 Page 3.

60 *Verrichtungen*, 1824: 7.

was never in any organic relation to the general body. However, its strictures and attacks cannot be ignored, and its criticisms serve to bring out in relief the nature and character of the General Synod, pointing out both its strong points and its weak. The group of churches held together in a loose organization from 1820 to 1824 as a "Conference," became a "Synod" thereafter, adopting a new constitution in 1828. But the group was not at first recognized as a Lutheran Synodical body. In writing at a later date, S. S. Schmucker still would say,[61] "Our whole church was in 1821 embraced in the Synods of Ohio, of N. York, Pennsylvania, Maryland and Va. and N. Carolina and the adjacent States." But the "Address of the General Synod to the Evangelical Lutheran Church in the United States" in 1823[62] notes the "German Ev. Luth. Conference of Tennessee," although there is no evidence that it was looked upon as a body to be approached and urged to unite with the General Synod as was the case with the Synods of Ohio and New York.

As has been stated above—page 112—it was not without great significance that the occasion for the break which led to the formation of the Tennessee Synod should have come as a result of a change in date of the convention of the Synod of North Carolina. This change was made to make possible the election and presence of a delegate to the annual convention of the Synod of Pennsylvania where a *Plan of Union* for district synods was to be deliberated upon. That the founders of the Tennessee Synod were vigorous in their opposition, and most consistent in this, to the resultant General Synod will now be set forth in detail.

In connection with the *"Bericht"* of the first Conference of the protestants against the course of the Synod of North Carolina, there was printed[63] under the title *"Vom Plan-Entwurf"* the text of the *"Plan"* and notes or observations criticizing it. The first observation is in connection with

61 "Lectures."
62 *Minutes*, 1823: 9 ff.
63 *"Bericht,"* 1820: 48-59.

the introductory statement which sets forth that the *"Plan"* is offered to promote love and unity among the Lutheran Synods, and sets forth that strife and unrest exist and that much more can be expected if the *"Plan"* is carried out. As to the name "The General Synod of the Evangelical-Lutheran Church," as set forth in the First Article, objection is made to the use of *"Evangelical-Lutheran"* because, it is claimed, the remaining articles show that the *"Plan"* is opposed to the doctrine of the Lutheran Church. In criticism of the Second Article, the danger of the hegemony of the Pennsylvania Synod; the danger of a Seminary, and the injustice of the ratio of two to one of ministerial and lay delegates, are pointed out. As to the Fourth Article, objection is made to the claim of the General Synod to have exclusive right to introduce new books for public worship, and fear is expressed that Luther's *Catechism* might be cast out, while the General Synod could reject the articles of faith, for neither the Augsburg Confession nor the Bible was designated at the basis, nor even so much as mentioned in the whole *"Plan."* Against Article V, which gave to the General Synod the sole right of judging of qualifications of district synods, a strong opposition is made. Article Sixth, in which the powers of synods are subject to the fundamental articles of the general organization, brings forth the observation, "Accordingly, one has as much liberty as the rope allows." With reference to Article VII, in which the General Synod is to be given the part of fixing the grades of the ministry, the objectors say that after a while,

> Catechist, Candidate, Deacon and Pastor will no longer be enough; who knows but that something higher will be required, such as Bishop, Archbishop, Cardinal, and even Pope.

As to Articles VIII and IX, which have to do with the General Synod as a court of appeal, objection is made that the features of a temporal government are being introduced, while in criticism of Article X the reader is referred to the observations by some preachers in Ohio which is ap-

pended.[64] As a final general observation the danger of further assumption of power and inclusion is pointed out, until finally a general National-Church is established which would change the Constitution of the United States and defeat the principle of religious liberty. Thus, it is clear that the Tennessee Synod from the first took a strong stand against the General Synod as a body which it held to be hierarchial in its polity, as well as un-Lutheran in its doctrine.

Whether the claim that the objection of the Tennessee Synod were solely instrumental in causing certain changes from the original plan is valid or not, the fact remains that changes were made to satisfy that body[65] which were in vain. At its convention in 1821 a committee was appointed to draw up the remaining objections.[66] This committtee made its report, which was appended to the *Report* of 1821.[67] It is important to study this Report in detail.

STUDY OF THE OBJECTIONS OF THE COMMITTEE AGAINST THE CONSTITUTION OF THE GENERAL SYNOD.

The first objection is against the broad statement in the original draft of the preamble which said,

> Whereas Jesus Christ, the great head of His Church, hath not given her any particular prescriptions how church government should be regulated, she therefore enjoys the privilege in all her departments to make such regulations, as appear best, agreeable to situation and circumstances.

However, this was toned down by virtue of a change suggested to the district synods in 1825,[68] of which suggestion it was reported at the next convention the district

64 This follows, pages 60 ff.
65 But other synodical bodies made objections. See this work, *in loco*.
66 *Report*, 1821: 7.
67 Pages 13-36.
68 *Minutes of the General Synod*, 1825: 8.

Synods had unanimously approved so that the preamble was to read,[69]

> Jesus Christ, the Supreme Head of His Church, having prescribed no entire specific directory for government and discipline, and every sectional church being left at full liberty, etc.[70]

But even this milder statement would have been objected to, inasmuch as the lack of regulation by Christ is denied, scripture passages being cited to back up the contention, and the whole idea of a General Synod is held to be uncommanded, unsanctioned, and without the guidance of the Holy Spirit. The government of the General Synod by a majority of votes is looked upon as particularly dangerous and contrary to the alleged commands of Christ. Further, they object to the confidence expressed that the General Synod will promote love, harmony, unity and peace, and claim rather that divisions, contentions and confusion have arisen. In a note David Henkel, "clerk of the committee," gives a lengthy explanation that other Christian denominations who have general synods have disputes and factions. The Lutheran Church has never had trouble until this was proposed. He then gives a short account of the origin and development of the Lutheran Church in America and shows how district synodical bodies arose, how they are sufficient in purpose and had a standard of unity in the Augsburg Confession, being free from any superior tribunal, "except that of Christ."

Objection is also made to Article I thus, "this body indeed, may call itself *Evang. Lutheran,* & yet not be such." For the constitution nowhere says anything about the standards of Lutheranism, not even the Bible. Therefore the General Synod has unlimited power by this constitution to promote any discipline it pleases. If it be claimed that the usual standards will be observed or that "so many pious and learned men would not aim at such horrid things," it

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69 *Minutes*, 1827: 6.

70 Compare the Constitution as published in 1829, *Minutes*, 1829: 41.

may be said that it is not reasonable that the Christian Church should put her confidence in man, or make flesh her refuge. If the framers had been zealous advocates of the Lutheran doctrine they would have been careful to insert a clause compelling the General Synod, "always to act according to our standard books." But it is an easy thing to prove that some of the framers have "openly denied some of the important doctrines of the Augsburg confession of faith and Luther's catechism."

Against Article II objection is made to the statement that the body may consist of deputies from the *different* evangelical connections. Therefore it may consist of deputies from *all* denominations who call themselves "Evangelical." While this seems to be a misreading of the thought of the framers, in the constitution printed in 1829 the reading is changed to say that the "General Synod shall consist of the Deputies from the several Evangelical Luth. Synodical Conventions in the United States."

Article III, which consists of eight Sections, is objected to at length and in detail. No objection is made to Section I which provides for the examination of the Minutes of the District Synods at the General Synod. But against Section II in which the General Synod is specified to act as a joint committee of the particular Synods and Ministeries (Ministeriums?) with respect to all proposed manuscripts and books for the public use in churches, objection is made to the three sub-sections. Sub-section 1 which gives the General Synod the right of examination of all manuscripts and books proposed by the district synods for use in the churches, of whatever kind, in order that it might give its advice and admonition, and which provides that Synods are forbidden to publish a new book for public use without first having handed a complete copy thereof to the General Synod, and received its sentiments, admonitions, or advice, is objected to as arrogating the power to prescribe the ceremonies in the church.[71] This is in opposition to Article VII

71 Did the fact that the Henkels had a publishing house and supplied books for the church have any significance?

of the *Augsburg Confession.* Sermons, etc., ought also be required to be submitted before being preached, for if one should publish a book with erroneous doctrines, he would also preach them. Inasmuch as among the enumerated books "confessions of faith" are included, it appears to be conclusive proof that the General Synod intends to depart from the accepted Lutheran confession. Sub-section 2 gives the General Synod the right to propose to the Synods new books for general or particular public use. The Synods shall observe the proposals, and if they do not approve they shall send to the General Synod the reasons so that these may be inserted in the minutes of the body. Objection is made that if a Synod does not approve it will be ridiculed; its reasons or objections are not promised to be received or adopted. Sub-section 3 forbids the General Synod to prescribe uniform ceremonies, to introduce alterations, either in things respecting the faith, or in things which respect the manner of publishing the gospel of Christ, which might oppress the conscience of the brethren. To this it is answered,

> no power needs or can be given to this General Synod to prescribe uniform ceremonies—they have already grasped it, when they suffer no book, for public worship which contains ceremonies, to be introduced without their advice and approbation!

Alteration in matters of faith may not be made, yet this clause does not forbid their being omitted.

Section III, which provides for the method of creating new district synods which may become recognized as such is objected to, first, on the ground that it will enable the Synod of Pennsylvania to break itself into a number of Synods and thus get control of all other Synods; second, the Synods of the General Synod who now arrogate to themselves the power of giving permission to form Synods, had no such grants for their own formation; they grew up unauthorized and until they change their status, let them find no fault with others who would do the same.

Of Section IV, which points out how uniformity in the

grades of the ministry is to be preserved, "not being very interesting, nothing more needs to be said on this head."

Section V specifies that the General Synod shall not be viewed as a "peculiar tribunal of appeals," but allows exceptions to this rule as set forth in three sub-sections. Against Sub-section 1 objection is made at length. This sub-section sets forth that the General Synod may "impart their sentiments or advice" when complaints with respect to doctrine or church-discipline are "tabled by whole Synods, or congregations, or individual ministers." But the General Synod is warned to take good care "not to burden the consciences of ministers with human traditions, and not to afflict any person with respect to difference of opinion." The Committee contends that "the very institution of the General Synod is nothing but human laws and traditions, nowhere commanded by Christ nor his apostles." They appeal to the introduction of the Constitution in which it is said that Christ has left no prescriptions how the church shall be governed, and draw therefrom the conclusion that since he has not done so, he has not commanded the General Synod and it is therefore "nothing but human tradition." They make much of the statement that the General Synod shall not burden the consciences of ministers with human laws or traditions, and point out that the General Synod is "nothing but human laws and traditions." At this point a lengthy foot-note, inserted by the "clerk of the committee," vigorously explains that the unity of the Lutheran Church, according to the Seventh Article of the *Augsburg Confession,* does not consist in external forms or ceremonies, or government established by men, but solely in the right preaching of the Gospel and the proper administration of the Sacraments. The General Synod is contrary to this Article, and is an invention of man. "True christianity is thereby blended with human laws and policy —the true lineage of popery." The General Synod is a plant which has not been planted by the Heavenly Father; "it was planted by a majority of votes." Can it reasonably

be required of Christians, to foster a plant which God did not plant? The report of the Committee continues with a recollection of how "our Saviour upbraided the Pharisees for their human laws and traditions they imposed upon the common people;" and calls attention to the fact that by these means popery was established. Synods should be careful not to impose human traditions upon the church, but should remember that they do not assemble "for the purpose of making laws for the church, but only to devise means to execute those already made by Christ." In the second place, the stipulation "that no person shall be afflicted with respect to difference of opinion," is criticised as an opening whereby those who would introduce all manner of false doctrines can become active and be safe from discipline. As to Sub-sections 2 & 3 the Committee briefly says of them,

> In the beginning of this section, it is said, that the General Synod is not to be viewed as a tribunal of appeals; yet in these clauses appeals are received and finally decided! What an inconsistency!

Section VI provides for the formulation of plans for general institutions for theological education, support of missionaries, and the support of ministers' widows, etc. Section VII allows the creation of a treasury "for the purpose of executing their designs." Objection is first made to the paying of missionaries out of a general fund. The consecrated will preach and labor without the promise of anything. The promise is that they will be supported; that is enough. Hirelings will be encouraged.

> Was the mission of the primitive apostles conducted in this manner? Had Christ established a general treasury out of which he hired his apostles by the month or year?.....Is it not enough that we have his promise?

In the second place, objection is made to support of ministers' widows, et., from a general fund.

> Are the families of ministers a nobler race, than other people, so that extraordinary provisions must be made for them, in preference to

others? Would it not be better, if every congregation had a fund of its own to support their needy at home?

Further,

pious ministers accustom their families to honest labour, so that they may know how to support themselves when they need it;

too many ministers now indulge their children in pride, vanity, etc.; ministers and their wives are proud and vain, etc.

The farmers and mechanics may labour hard to procure money, to fill this treasury; of which, though, their widows and orphans in their straits could expect no assistance. Have we any nobility in America, etc.?

Begging and pleading would be much in practice to fill this treasury, and if it be said that no one is compelled to give, it should be remembered that those who would not contribute freely would be scorned and reproved and would finally be obliged to contribute. In any case, the civil government has provided for such widows and orphans who do not find benefactors.

Against Section VIII, which looks to the prevention of schisms and the promotion of unity among Christians in general, it is briefly charged that this is "a desire to *unite with all denominations.*"

The remaining Articles in the *Constitution* are not cited and objected to but a "Conclusion" follows in which the hope is expressed that

the friends of the General Synod will not view us as enemies; because we freely spend our opinion with respect to their designs. We would freely join in with them, if we could do it with a good conscience.

It is charged that the clerical state would be highly exalted, and that while the people would not be burdened and coerced, life would be more comfortable for the ministers, their widows and their orphans. But the church did not appear powerful at first, neither had it wealth and power. And

wherever a connection is found extremely numerous, wealthy, grand and exercising great authority like unto a civil government, it is not the Church of Jesus.

They do not expect finally to prevent the establishment of this General Synod. They believe, rather, that the establishment of "General Synods" are preparing the way for Antichrist.

Antichrist will not, nor cannot get into power, without a general union, which is not effected by a divine harmony of godly doctrines; but by common temporal interests, and the power of a majority.

But they consider that they have a duty to instruct the people who are not wilfully blind. The Millenium is coming; but Antichrist must come first, and his kingdom is "reared under a good garb; if it were not the case, no person would be deceived." At the next convention (1822)[72] the Synod approved the objections as reported by the committee. This may therefore be accepted as the studied and official opinion and attitude of the Synod of Tennessee to the General Synod in the days of the latter's organization. That this opinion and attitude was not merely transitory is evident from a certificate, dated 5 September, 1826, and signed by ten ministers of the Synod—only two ministers were absent when this was signed—convened in synodical meeting which set forth,[73]

Whereas there is a report in circulation, both verbally and in print, that some of us, members of the Tennessee conferences, should have said: that we now regard the General Synod as a useful institution; that we disapprove the turbulent conduct of a certain member of this body; that we (i. e. some of us) pledged ourselves to leave this body, if we cannot succeed in having said expelled; we deem it our duty hereby to inform the public, that we are unanimously agreed in viewing the general Synod as an anti-Lutheran institution, and highly disapprove it, and are the longer, the more confirmed in this

72 *Minutes*, 1822: 13.

73 *Report*, 1826: 6 & 7. See *Minutes*, General Synod, 1825: 13, for the statement against which the accompanying attack is made.

opinion; and that we know of no member among us, whose conduct is turbulent, or immoral, etc.

This may be set down as the attitude of the Tennessee Synod to the General Synod to the end of the period of interest here, 1829. Nothing of an official character appears to have been done in this respect later than 1826. But from other sources it can be established that the individuals were active in their opposition to the general body and continued vigorously their championship of what they considered to be the cause of true Lutheranism. However, as the interest here is only in synodical attitudes no further account of these will be taken, and the study of the Tennessee Synod and its attitude will be closed. The Synod grew between the date of its organization and 1829 and much of this growth may be attributed to the appeal which its hostility to a general organization made in certain quarters.[74] It courted the Synod of Ohio and tried to cultivate closer relations and a better understanding with the other Synods which either stood aloof from the General Synod or early withdrew from it.[75] But no better understanding was attained and no close relationship with any other body was established by the Tennessee Synod until many years later. It stood alone, but it stood firm, fighting the battle of the faith as this was known to it.

THE ATTITUDE OF THE SYNOD OF MARYLAND AND VIRGINIA.

Attention is now in order to be directed to the district synod which was the only synodical body to maintain an unbroken membership in the General Synod from the date of its organization until the merger in 1918. This continued membership was but one evidence of a deep feeling of devotion and enthusiasm for the general organization.

It is entirely likely that the peaceful exodus of certain members of the Synod of Pennsylvania, and the latter's

74 *Minutes* of the various conventions, *passim.*
75 *Ibid.*

cheerful permission for the same, is to be understood only as a result of the assurance that a General Synod would be formed.[76] In any case, the Synod of Maryland and Virginia became one of the heartiest advocates of the General Synod and so great was its service for that body that it has been said, "the Maryland Synod saved the General Synod."[77]

"The clergy and lay-delegates of the Evangelical Lutheran congregations in Maryland and Virginia, to organize a new synod," came together for this purpose on 11 October, 1820.[78] On the next day it was

> On motion, *Resolved*, That Dr. Kurtz and Mr. Reck, or any two of the officers elected, be directed to attend the next General Synod, as representatives of this Synod, in conjunction with Mr. G. Shryock.[79]

At this meeting, held October 22 ff., 1820, the Constitution was agreed to. This was introduced at the next convention of the Maryland Synod, held September 2 ff., 1821.

> The constitution of the General Synod was read; the question was taken upon each article separately, and finally upon the whole constitution, which was unanimously assented to.[80]

Thus with apparently no difficulty or delay the Maryland Synod entered into organic relation with the General Synod. The relation which developed between the two bodies is thus summed up:[81]

> Under such circumstances it was to be expected that the Maryland Synod would for many years play a leading part in the activities of the General Synod. Such proved to be the case, as we have seen. Of the first thirteen conventions of that body ten were held on the territory of the Maryland Synod. And throughout the hundred years of the history of the General Synod more than one-third of her presid-

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76 Details of this are given ante, pages 128, 9.
77 Wentz, *History of the Evangelical Lutheran Synod of Maryland*, 46.
78 *Proceedings*, 1820: 3.
79 *Ibid.*, 4.
80 *Proceedings*, 1821: 13.
81 Wentz, *op. cit.*, 162 & 3.

ing officers were elected from among the delegates of the Maryland Synod. There was every reason why the relations between the Maryland Synod and the General Synod should have been so uniformly happy and cordial as they always were.

Having noted the attitudes of the various Lutheran Synodical bodies toward the General Synod in the years of its conception and establishment, attention will now be given to a detailed consideration of the development of the General Synod up to 1829, with an attempt to evaluate the organization with respect to its significance and importance, within the prescribed limits, to the development of the Lutheran Church in the United States in general, and to its particular synodical polity in particular.

THE DEVELOPMENT OF THE GENERAL SYNOD, 1821-5.

The first regular meeting of the General Synod under the Constitution was held in Fredericktown, Md., on October 21, 22, 23, 1821.[82] There were present ten delegates, representing three district Synods, while an epidemic of disease and an error in the advertisement of the date by the Secretary probably accounted for the fact that eight other delegates did not appear.[83] The Synods represented were Pennsylvania, North Carolina, and Maryland and Virginia.

The body immediately gave evidence[84] of a purpose to fulfill the object of its organization, and to consider and advise concerning matters of general interest and arrangement. It appointed a committee to compose an English catechism; it recommended to the several Synods not to

82 S. S. Schmucker in his Lectures," has written, "The first regular meeting of the General Synod, etc.," of which, however, he has marked out the words "meeting of the," so that, as revised, his statement is, "The first regular General Synod." Later in the "Lectures" he refers to "the meeting of the next General Synod." However, the "*Minutes*" of the General Synod for 1821 speak of the "meeting of the Evangelical Lutheran General Synod," while those of 1823 are the "Minutes of the Second General Synod." A conclusion on this matter will be attempted under a later heading—page 224, below.

83 *Minutes*, 1821; Schmucker, "Lectures."

84 *Minutes*, 1821: *passim.*

retain the orders of deacons and candidates any longer than the exigency of the times required; it considered a matter of difference between a minister and a Synod; it gave a hearty negative answer to the question of the validity of ordination performed by individual Preachers without the consent of their Ministerium; it received a report on the establishment of a Theological Seminary, and recommended the degree of preparation necessary for entrance upon the study of Theology, as well as a plan for directing such study until a Seminary should be established. The report of the committee, appointed in 1820, to form a plan for a missionary institution was read but consideration of the same was deferred until the next meeting. However, it was recommended to the several Synods that they send missionaries into parts of the country in most need of them. While, it is true, nothing of great importance was finally accomplished at this meeting, it is very clear that vigor and purpose to serve the ends of its organization were demonstrated.

S. S. Schmucker, the ardent promoter of the General Synod, wrote later that there was "a very flattering prospect at this time of the union of the whole Lutheran church in the General Synod."[85] This was based on the knowledge that the Synod of Ohio had elected delegates to attend the meeting in 1823 which he believed would result in a permanent union with the General Synod. It is not clear that he was entirely justified in the hope that the whole church would be united then, for he says, "for if the Ohio Synod united there was then no other remaining." However, there was the Synod of New York, and also the Tennessee group.

THE WITHDRAWAL OF THE PENNSYLVANIA MINISTERIUM.

But, Schmucker must then go on to say,

About this time, an event occurred which to all appearances was ex-

85 "Lectures."

pected to put an end to the General Synod, and blast the hopes which had been cherished for the improvement of our Zion. Owing to various disturbances and opposition excited by political demagogues, by infidels and by a few renegade Germans from Europe, the Synod of Pennsylvania at a meeting held at Lebanon May 25th-29th in 1823, passed resolutions to relinquish the idea of sustaining a General Synod.

This was indeed a blow, and when the General Synod convened in Fredericktown, Md., in October, 1823, [86] representatives from only two recognized Synods were present, with delegates from the West Pennsylvania Conference of the Ministerium of Pennsylvania—see below, page 187. It is true that among the delegates are listed two from the Synod of Ohio who, as shown above—page 168—were not present.[87]

The life of the General Synod was at stake and its friends clearly recognized the fact. As stated above, the Synod of Pennsylvania had voted to withdraw. In keeping with what Schmucker has given as the reason for this unexpected action which threatened to be fatal to the life of the new organization, there was the opposition of the country churches of the Synod of Pennsylvania to a general organization and to certain of its projects.[88] There had been opposition on the part of individuals ever since the project was first broached, but no concerted movement calculated to take the Synod from the general organization seems apparent until 1823. At the convention of the Pennsylvania Synod held as stated above the matter came up for final decision.[89] The opposition on the part of the country churches was based entirely upon what they thought were

86 *Minutes*, 1823.

87 Is it possible that representation from Ohio was published for the purpose of covering the fact that a number less than that originally set as a minimum number of Synods necessary to establish the General Synod—Resolution No. 2 of those passed at the meeting in 1820—was present in 1823?

88 Jacobs, *op. cit.*, 360, & 361.

89 *Verhandlungen*, 1823; 14-17; Early, *op. cit.*, 176-8. The quotations which follow are taken from Early, and compared with the German in the *Verhandlungen.*

valid reasons of a practical nature. A parallel line of development was going on in the German Reformed Church in Pennsylvania and one Carl Gock appeared to embody the opposition opinion and to stand forth as spokesman. He appears to have made an impression.[90]

At all events at the convention of the Ministerium of Pennsylvania in 1823 protests were presented from congregations in Lehigh County against the organization of a General Synod and the founding of a Theological Seminary, in which the Ministerium was asked to rescind its former resolutions referring thereto and to allow affairs to move on as they did before the resolutions had been passed. It was therefore resolved to take up for consideration at that time the matters here brought forth. As a result a long statement to which were appended five resolutions was proposed, thoroughly discussed and passed on roll call by a vote of 72 to 9. Three delegates present declined to vote and three are recorded as absent.

The statement begins with an assertion that love[91] has always been the aim of the body. To enlarge this bond of love they desired to enter "upon a union of hearts with others of our brethren in Jesus Christ, and called it a GENERAL SYNOD." Further, desiring to see the ministry held in honor and of more effect, they hoped to see an institution established in which men would be fitted for the ministery which "institution we called a THEOLOGICAL SEMINARY." Further, they looked forward to bringing about a closer union with their German Evangelical Protestant brethren, and "called it AN ALLIANCE OF THE GERMAN PROTESTANT CHURCH." In all this, "Our effort, our desire, our aim, was charity ('Liebe.')" But they are misjudged; all their aims are grossly misjudged and misunderstood.

It is palpable even that dissatisfaction, trouble and discord have

90 Jacobs, *op. cit.*, 360.

91 "*Liebe.*" Early translates this as "*charity,*" likely following after the rendering of the *King James Version* of the Bible.

arisen which cannot be removed, as long as the causes and objects of these unjust suspicions be not taken away.

So, then, since love is still the aim, and as it is in danger of suffering greatly from the misunderstandings, and since without peace, unity, and love, no "consolation in Christ," or peace, either in the whole body or in individual congregations, is possible, and since

the Synod is not all inclined to enter upon any measure in the congregations connected with it without their full and hearty approval, therefore for the sake of preserving and restoring universal love and harmony, be it Resolved

first, that no more delegates be sent to the General Synod; second, that no steps be taken for the establishment of a Theological Seminary; third, "that we will simply anticipate the future union with the Reformed Church;" fourth, that the above resolutions remain in force until the congregations coming to a true construction of the former honest purposes for themselves rescind them; and fifth, that the President of the Synod inform the various Synods which have united with this one in forming the General Synod of the adoption of these resolutions as soon as possible.

Thus the astonishing thing was done.

Instead of nobly braving the opposition of ignorance, prejudice and irreligion, and taking measures to circulate better information among their churches; they resolved to abandon the General Synod, etc.[92]

This is a harsh judgment but it is difficult to see why it is not justified. A mother had abandoned her child! At least the ardent supporters of the General Synod so considered.[93] Then, too, some of the warmest proponents of the idea were no longer members of the Ministerium but had gone out three years before to form the Synod of Maryland and Virginia. But members who were firm believers in the utility and righteousness of the General Synod and all

92 Schmucker, "Lectures."
93 *Minutes*, General Synod, 1823: 11 & 12.

that it stood for concurred in the proposition. The general conclusion was that the General Synod was doomed.

How fully this impression prevailed may be seen from the fact, that the members of the Pennsylvania Synod, who resided west of the Susquehanna, some of whom were very warm friends of the General Synod, after the passage of the above resolutions at Lebanon, consulted together about holding a special conference, and considering the General Synod as defunct, appointed their Conference on the very day which had been fixed for the meeting of the General Synod in the ensuing fall.[94]

It was indeed a crisis, as Schmucker believed.[95]

It was evident that if this attempt to establish a General Synod should be abandoned, nothing like it could be attempted for many years: and our Church continue in her former helpless and distracted condition.

SUCCESSFUL EFFORTS TO SAVE THE GENERAL SYNOD.

Therefore, Schmucker became convinced that a desperate effort to sustain the General Synod, no matter what the odds, must be made.

I therefore immediately wrote to the principal brethren, friendly to the cause; and in a few days determined to visit these brethren personally and devise plans to sustain the General Synod. With this view I started from home about a week after the news of the recession of the Pennsylvania Synod reached me, and visited the principal brethren.

At Frederick, Md., in conjunction with D. F. Schaeffer, letters were written to all the ministers of the different Synods who had been elected delegates to the next General Synod, beseeching them not to regard the course of the Pennsylvania Synod, assuring them that the General Synod would be sustained, and begging them to attend the meeting to which they had been elected. He then went to Gettysburg,

94 Schmucker, "Lectures."
95 *Ibid.*

met the Rev. Herbst whom he took with him to York, and there meeting with his father, formed the following agreement—of which he says he still has the original manuscript and which has been consulted in this study—which is as follows:[96]

At a meeting in York July 15th, 1823, present Schmucker, Sen.; Herbst, Junr.; and Schmucker, Junr. it was agreed that (1) Revd. Schmucker should publish the time for the meeting of the Pennsylvania Special Conference, on the first Sunday in October—(2) Resolved that Revd. S. & H. shall use their influence at the Special Conference, to have the following resolutions passed:[97] (1) 'Beschlossen das wir von nutzbarkeit der General Synode ueberzeigt sind.' (2) 'Das wir diese unsere Gesinnung in christlicher Liebe der naechste Synode zu Carlisle vorlegen.' (3) 'Das zwei Glieder dieser Conference ernannt werden, den General Synode zu Friedrichstadt beizuwohnen und diese unsere Gesinnung mitzutheilen.' (3) Resolved that the Revd. S. Jun. promise and guarantee the presence of one or more members of the Md. & Va. Synod at the session of the Penna. Sp. Syn. who shall endeavor to promote the interests of the General Synod and form plans for that purpose in conjunction with the brethren of Pennsylvania.

The special Conference was represented in the General Synod in 1823. This representation helped to swell the very feeble representation from two bona-fide Synods to seven ministers and two lay-delegates.[98]

Truly the fortunes and hopes of the General Synod were

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96 Using Schmucker's Ms. and the *Verhandlungen der Special-Conferenz; Gehalten zu Yorktaun, auf den 6ten und 7ten October 1823*, (the latter for comparison, quoting from former).

97 It is impossible to read the ms. at this point, so the "Lectures" will be followed. The printed and final form of these resolutions differs in phrasing and in the fact that these are somewhat extended in order to make the meaning clear, but all three agree in the essential points. The printed form has four resolutions, the fourth being the appointment of Schmucker, Sen. and Herbst, Jr., as delegates.

98 *Minutes*, General Synod, 1823; Schmucker, "Lectures." The *Minutes* say that letters were "laid on the table, from which it appeared that the following brethren were elected as delegates from the different district Synods," and then give a list of nine ministers and five lay-delegates. Schmucker was present and, from his experience, gives a list of those actually present. These he enumerates and the total was as given above.

at the lowest point. But "a representation of a majority of the Synods in connection with the General Synod" were claimed to be present, and "the brethren, in reliance on the guidance of the Holy Spirirt, proceeded to business." The body was cheered by the deputation of the Special Conference of the members of the Synod of Pennsylvania who resided west of the Susquehanna, and resolved that it was highly gratified by the presence of the deputation, who brought the minutes of the Special Conference in which were resolutions in support of the General Synod.

"THE FORMULA FOR THE GOVERNMENT AND DISCIPLINE OF THE LUTHERAN CHURCH IN MARYLAND AND VIRGINIA."

The Synod noticed the withdrawal of the Synod of Pennsylvania from its connection, expressed its deepest regret but claimed to entertain the highest confidence in their brethren of Pennsylvania, and exhibited trust that they would without delay resume the connection. In the interest of the advancement of the Lutheran Church in general a "Committee of Foreign Correspondence" was elected. But, by far the most important act of the convention was that in reference to the "Formula for the Government and Discipline of the Lutheran Church in Maryland and Virginia." Concerning this it was unanimously resolved that

> this Synod regard the principles of said Formula of Government and discipline as fully accordant with Scripture and the dictates of sound reason; that they highly approve of its adoption, and that the Secretary shall communicate to said Synod the alterations recommended by the General Synod.[99]

This "Formula," as altered slightly in 1827[100] and in this form, became the official directory of the General Synod for the government of individual congregations and a part of its

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99 Details of the adoption and alteration of this "Formula" are given above, pages 131, 2.

100 *Minutes*, General Synod, 1827; 9 & 10.

system of Lutheran Church government.[101] The original draft was largely the work of S. S. Schmucker.[102]

After the meeting of the General Synod and the subsequent meeting of the Synod of Maryland and Virginia, the latter ordered 1,000 copies of the Formula in both languages to be printed,[103] after consideration of the amendments proposed by the General Synod. While the General Synod appears never officially to have printed this Formula, there is no question that it held it to be officially received. It is in order now to study the Formula in detail and note its contents.[104]

THE CONTENTS OF THE "FORMULA."

All of the earlier editions had an introductory section which explained and defended the Formula which followed. The Formula as published in 1855 did not have this section, need for which there was none at that late date. Chapter I contains "Preliminary Principles," in seven sections, in which the value but insufficiency of "natural religion" is set forth and the revelation through the Scriptures is recognized. Section Four expresses the belief in liberty of conscience and the free exercise of private judgment in matters of religion, as natural and inalienable rights of men. But as order is necessary in every associated body, and as Jesus Christ has left no entire and specific form of Government and Discipline for His Church, every individual church should adopt such regulations as shall be most sat-

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101 *Minutes*, 1829; 29, footnote.

102 The draft used here is endorsed by "S. S. S." as the "original autograph from which the present generally received Formula of the Lutheran Church was printed." A printed copy of this endorsed in Schmucker's hand viz., "Printed at the individual expense of S. S. Schmucker and D. F. Schaeffer for convenience of the General Synod," has been used and this was the first printed copy of the original draft.

103 *Minutes, Maryland & Virginia Synod*, 1823: 11 & 12.

104 Schmucker, *Lutheran Manual*, 239 ff. This was published in 1855, but even at that late date the Formula as adopted with the amendments of 1827, was the same as in 1829.

isfactory from every viewpoint. But as men differ in some of their views as to doctrine and discipline, yet ought to be in associations, care must be taken that those of too great divergence should not associate but only those of similar views. To that end requirements for membership and service in the church, most accordant with the precepts and spirit of the Bible, ought to be made. Section Seven says that upon such a broad basis of principles was the Evangelical Lutheran Church founded immediately after the Reformation.

> Adhering to the same principles, the Church in America is governed by *three Judicatories*: the *Council* of each individual Church, the *District Synods*, consisting of all the clergy and an equal number of laymen from a particular district of country, and one *General Synod* formed by representatives from all the different Synods of the Lutheran Church. The ratio of clerical and lay representatives is determined in the Constitution of the *General Synod;* and the *powers* of this body are only those of an *Advisory Council.*

Chapter II is entitled "Of the Church." Part I is concerned with "the Invisible Church," which, under these sections, is said to be the collective body of all who are in a state of grace; a spiritual society; a universal society, "its members not being confined to any particular nation or religious denomination." Part II is concerned with the "External or Visible Church." Under eight sections this is said to be the body of those who profess the Christian religion, the head of which is Jesus Christ, who has "neither abandoned his church nor appointed any vicar in his stead." Christians living together have since the days of the Apostles formed themselves into societies for the attainment of their objects. "And every society participates in the duties of the whole church." Every such society and the visible church at large has a duty to have the word and sacraments administered in their purity; to support the ministering pastors properly; to provide for the perpetuation of a regular ministry and for the propagation of the Gospel. The church has a further duty to watch over the purity and

faithfulness of its members. The jurisdiction of the church is purely spiritual; its power is purely declarative, by whatever judicatory it is exercised. Membership in the visible church is not optional; it is the duty of every one to belong as a faithful member to it.

Chapter III deals with the officers of the church. It takes up first the office of the pastor and on this it sets forth that the clerical office is of divine and perpetual establishment, and persons filling the office are of equal rank. Their duties are to expound the Word of God, to conduct the public worship, to administer the sacraments, to admonish men of their duties, and in every way to edify the Church of Christ. They are amenable to the Synod to which they belong and that Synod is the final tribunal except where an appeal is taken to the General Synod. Ministers are forbidden to grant privileges to members of other congregations which would be denied to them by their own pastors. Ministers shall in their lives present an example of true Christian deportment, but if any be guilty of vice, a method of procedure is outlined. In the second place the offices of elders and deacons are taken up. These are elected by the members of the church as their agents. Elders are devoted to spiritual service in the assistance of the pastors; the deacons to temporal service. "The elders and deacons are representatives of the whole church." All persons elected to these offices shall be properly installed. Congregations which have had trustees are permitted to retain them and continue to them such privileges as are deemed expedient.

Chapter IV is entitled "Of the Church Council." Under thirteen sections the duties of the Council, the rules for its procedure, etc., are set down.

> The church council is the lowest judiciary of the Church, consisting of the pastor or pastors and all the elders and deacons of a particular church.

Chapter V considers church members. The duties, privileges, and right of appeal to Synod of church members are set down. Chapter VI deals with elections. In this the

rules for fair and proper elections of all congregational representatives are detailed. Chapter VII is entitled, "Of Prayer Meetings, etc." In all copies of the Formula printed prior to 1829 (which have been consulted here) the ideas set forth in Section Seven have been included in an "Appendix." But regardless of the form, the same general matters are included. Prayer-meetings are recommended, as is daily worship in the family. Sponsors should be only such persons as are members of the church, and permission to preach in the churches should be obtained upon consent of the pastor and the church council of the church concerned.

It is very evident from the above that there is set down here, primarily, a theoretical system upon which the church is to be organized in a practical way. However, there are also some practical stipulations made which are for the organization and conduct of congregations.

All this is evidence that the Lutheran Church in the United States was becoming organized in a more formal way. In this connection Schmucker was most active and interested. He believed that until the Church had clearly developed formal statements of principles and theories it would not be possible for it to be most efficiently organized and administered.

THE DEVELOPMENT OF THE GENERAL SYNOD AS A RESULT OF THE ORGANIZATION OF THE WEST PENNSYLVANIA SYNOD.

When the General Synod convened again in 1825 an important step had been taken in its behalf. The West Pennsylvania Synod had been organized. [105] Three Synods were then bona fide constituents of the General Synod and delegates were present from all of them. The most important transaction of the convention was the consideration and adoption of a plan for the establishment of a theological

105 For details of the organization, see above, pages 138-41.

seminary.[106] It will be recalled that at the convention of 1820 a committee had been appointed to consider the establishment of such a seminary but that in 1821 this committee reported that "on account of the present pressure of the times, the establishment of a Theological Seminary may be very justly deferred, for several years."[107] Four years had now passed and those who had looked upon the General Synod as an agency whereby the better and more efficient education of ministers might be promoted were now active in the promotion of their interest. At the convention of 1825 after the plan for the establishment of a Seminary had been adopted, S. S. Schmucker was elected the Professor. Other arrangements were completed at this convention looking to the early establishment of the institution, which indeed was successfully established at Gettysburg the next year.[108]

At the convention in 1825 it was proposed to the different synods in connection with the General Synod to strike out in the preamble of the Constitution of the General Synod, the words "No special regulations," and to insert in lieu thereof, "no entire specific directory for government and discipline." In accordance with Section 2 of Article III of the Constitution, a committee was appointed to prepare a *Hymn-Book, Liturgy,* and a *Collection of Prayers,* in the English language, for the use of the church, to report at the next convention. Another committee was appointed to publish, "forthwith," on the part of the Synod, the translation of Luther's *Small Catechism,* offered to the Synod by a committee appointed at the previous convention.[109]

At the time of adjournment the body

Resolved, That any ommission of business, which was to have been

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106 *Minutes of the Proceedings,* etc., 1825.

107 *Minutes,* 1821: 9.

108 A detailed study of the Seminary has been prepared by A. R. Wentz, as a contribution to the celebration of the 100th anniversary of its founding in September, 1826.

109 This committee had been appointed in 1823 to examine the materials for the catechism which had been prepared by a committee appointed in 1821. See *Minutes,* 1821: 5; 1823: 5.

acted upon, or any indispensible correction or alteration, to give force to the resolutions aforesaid, be submitted to the conscientious decision of the officers.

Thus was provision made for a continued functioning, however slight, of the body between the conventions.

The General Synod convened next at Gettysburg 26 October, 1827.[110] Concerning the decision of the different Synods on the subject of the alteration of the Preamble of the Constitution of the body which was recommended at the last convention, it was found that the Synods unanimously had adopted the alteration, and the President therefore pronounced the Constitution as altered to read,

Jesus Christ, the Supreme head of His Church, having prescribed no entire specific directory for government and discipline, and every sectional ['section of his church,' as per Constitution as printed in *Minutes*, 1829:41.] church being left at full liberty, &c.

This was calculated to meet certain objections against the General Synod.

The Committee appointed at the previous convention to prepare a new *Hymn-Book* reported that their work was ready for the press and Synod authorized their procedure with the matter. The same committee reported that the *Liturgy* was not ready and leave to report thereon at the next meeting of the body was allowed. Then it was resolved that this Committee report a Constitution for the government of district Synods[111] to be recommended to the several synods connected with this body. The delegates of the West Pennsylvania Synod reported that their Synod had adopted the *Formula of Government and Discipline* recommended by the General Synod,[112] but that they wished

110 *Minutes of the Proceedings*, 1827.

111 That S. S. Schmucker was chiefly responsible for this synodical constitution is evident from the following: "In 1827 he [Schmucker] was directed to prepare the Constitution for Synods, which, adopted in 1829, completes the Formula. This little Formula was probably the most important, influential and enduring work of his life."—B. M. Schmucker, *Pennsylvania College Book*, 155.

112 This was the *Formula* drawn up by the Synod of Maryland and Virginia and sanctioned by the General Synod, with slight alterations, in 1823, all of which is described in detail above.

to add certain clauses which they now submitted to this body. These additions were unanimously approved of by the General Synod and became a permanent part of the *Formula.*[113]

Announcement was made that the Synod of South Carolina which had been organized in 1824 had expressed a desire to be received into connection with the General Synod but supposed that their intention to establish a theological seminary would prove an obstacle to their reception. The secretary was instructed to inform the Synod of South Carolina that such would not be an obstacle, provided that it be done in conformity with Article III, Section 6, of the Constitution of the General Synod.

Amendment to the Constitution of the General Synod, merely the changing of a few words in order to avoid misunderstanding by well-meaning persons, is the first item of business at the fifth convention of the General Synod which met October, 1829[114] to challenge attention here. A committee was appointed to take this matter in hand and this Committee later reported as follows:

> That for the sake of perspicuity and to obviate misconstructions, it is recommended to the different Synods to adopt the following amendments—after Evangelical, Article 2, part 1, insert Lutheran. To Article 1, Sec. 5, [should be Article III, Section 5, Sub-section 1.] add 'in order that the blessed opportunities to promote concord and unity, and the interests of the Redeemer's kingdom may not pass by neglected and unavailing.' Art. 3, Sec. 6, add after 'orphans of' poor.

The committee appointed at the General Synod of 1827 to draft a Constitution for the different Synods, united in the General Synod, made its report and after much discussion, and some amendment, it was "Resolved, That it be, and it is, hereby recommended to the different Synods, united in the General Synod, to adopt this Constitution for their govern-

113 *Minutes*, 1827: 9 & 10; *Lutheran Manual*, 247, 251, 253.
114 *Minutes*, etc., 1829.

ment." It was further resolved that 250 copies of the same be printed.[115]

STUDY OF THE CONSTITUTION FOR SYNODS ADOPTED BY THE GENERAL SYNOD, IN 1829, AND RECOMMENDED TO THE DISTRICT SYNODS.

Chapter VIII is entitled "Of Synods." This is elaborated under fourteen sections. Section I claims "apostolical" authority for the custom of "an occasional meeting of different individual churches, for the purpose of consultation and mutual encouragement," and says that this custom the Lutheran Church has retained under "the name of Conference, Synod and General Synod." According to Section II, "A synod consists of all the ministers and licensed candidates, and an equal number of lay-delegates, within a certain district." By Section III it is specified that the number of lay-votes "can" never exceed that of the ordained clergymen and licentiates. If a lay-delegate be present from a district from which there is no minister present, he shall have seat and voice, but no vote. Section IV lays upon the Synod the duty of seeing that the rules of government and discipline prescribed in the Formula are observed by all the congregations and ministers within its bounds; of receiving appeals from decisions of church-councils and of Special Conferences, and acting upon them; of examining and deciding on all charges against ministers and licentiates, that of heterodoxy alone being excepted; of forming and changing ministerial districts; of attending to any business relating to the churches which might be brought before it; of providing supplies for destitute congregations,

115 This Constitution was also printed as a supplement to the *Minutes* of 1829, pages 29-40, and this edition has been used here as the basis for study. As the *Formula of Government and Discipline*, having seven chapters, was considered as the first part of the "one entire system of Lutheran Church government"—see *Minutes*, 1829, 29, footnote—the chapters are numbered in continuation, and the Constitution of Synods contains Chapts. Eight to Twenty, inclusive.

and of devising and executing all suitable measures for the promotion of piety and the general prosperity of the Church, not otherwise provided for in the Formula.

For the carrying out of the above the Synod and Ministerium has power—Section V—to cite to appear before it any church-member within its bounds, and to endeavor to obtain other witnesses when need arises. Section VI provides that if any congregation, hitherto in connection with the Synod, should refuse to obey either the provisions of this Formula or the resolutions of the Synod, it shall be excluded from the Synod during the time of its refusal, and no other Synod, nor any Lutheran minister or licentiate, shall take charge of it without the permission of the President, provided that if the charter of a congregation be at variance with the provisions of this Formula, the charter shall have precedence in the matters in conflict. Section VII sets down the method of uniting with the Synod within whose bounds it is on the part of a congregation. This is by adopting this Formula and making some annual contribution toward the expenses of the Synod. Section VIII specifies that at least one meeting of the Synod shall be held each year, at a time and place to be determined upon. Section IX requires that no minister or licentiate shall be absent without a most urgent reason, and even necessary absences should be apologized for in writing. Violation of this section shall be dealt with by the President. Section X advises that all written papers intended for the Synod or Ministerium should be addressed to the President. Section XI lays upon the minister of the place in which Synod is held the duty of endeavoring to provide entertainment for all official attendants upon the sessions. Section XII calls upon the members to endeavor to assemble upon the evening preceding the day appointed. Section XIII provides that worship shall be held as often during the convention as may be convenient. Section XIV admits ministers "in good standing in other Synods, or in any sister churches," as advisory members.

Chapter IX is entitled, "Officers of the Synod." Sections I and II contain general provisions among which are those requiring an anual election of officers—President, Secretary and Treasurer—which officers must be from among the ordained ministers of the Synod. The same persons are not eligible for more than three successive years. Sections III to XII contain provisions as to the President. He performs the duties of a presiding officer and his privileges and duties in this respect are detailed. Further,

> It is an important part of his duty to give counsel to every member of the Synod when he deems it expedient, and particularly to admonish and advise every erring brother.

Sections XIII to XVIII contain the provisions relative to the Secretary. The usual duties attendant upon this office in deliberative bodies are specified in this connection. Sections XIX and XX contain provisions with respect to the Treasurer and are those usually in effect in connection with that office.

Chapter X is entitled "Other Members of a Synod." Section I lays upon "every minister, licentiate and lay-delegate of every Synod," the duty of not only observing the Constitution himself, but also of, so far as is in his power, seeing that it is obeyed by all connected with the Synod. Sections II to X detail the duties and privileges of "Ordained Ministers and Licentiates or Candidates." Distinction is noticed between the two ranks in relation to freedom of restraint. Ordained ministers are entirely free; Licentiates are under restrictions. General provisions to be observed by both ranks are laid down. Among these are the duty of circulating books proposed by the Synod and General Synod; of non-interference with the congregations of others. They have the right of honorable dismissal from one Synod to another. Section XI specifies the position of "Lay-Delegates." Each of these shall have equal rights with the ministers in all business belonging to the Synod. Chapter XI recommends an "Order of Business," under eighteen sec-

tions. Chapter XII outlines a "Process against a Minister." Chapter XIII advises a method of care for the spiritual interests of "Vacant Congregations." Chapter XIV is entitled "Of Missions." Synod recognizes its duty in this respect and regards it as its further duty to promote the cause.

Article XV specifies that the election of delegates to the General Synod and of directors of the Theological Seminary shall be by ballot and that a licensed candidate shall not be eligible to either of these positions. Under seven sections, Chapter XVI provides for and regulates "Special Conferences." The aim of the division of the Synod into these Conferences is that a small number of ministers may have opportunity to get together and discuss matters of common interest. Lay-delegates may be sent if thought advisable by the Synod. The Conference may examine into any business of the congregations, which is regularly referred to it, and give its advice; but "no Conference shall, under any pretext whatever, perform any business connected with the licensure or ordination of candidates for the ministry." The chief business, however, which ought to be performed at the conference meetings "is to awaken and convert sinners and to edify believers by close practical preaching of the gospel." Two Conferences should be held annually in each district.

Chapter XVII has to do with the "Ministerial Session." Under eight sections this important Synodical interest is described. The clergy alone hold such a session, on the authority of Scripture,

> for the purpose of attending to those duties which Christ and his apostles enjoined upon them alone, viz., Examination, Licensure and Ordination of candidates for the ministry. This meeting is called the Ministerium or Presbytery, by which, in Scripture is meant ministers alone.

Section II permits Licentiates to be present who may have voice but no vote, and who may be requested to withdraw.

Section III pronounces the Ministerium as the "proper body," for examination and decision of charges of heresy against ministers; as also the court of appeal from the decision of a church council on charges of heresy against a layman, or from decision of a Special Conference on a similar charge against a minister. Section IV commits to the Ministerium the decision on the application of ordained ministers of other denominations for admission into the Synod. Section V requires that a two thirds majority of the ordained ministers be necessary for action in all matters of ministerial admission or advancement. Section VI lays down regulations governing admission of ministers or licentiates from foreign countries. Section VII declares that "all business not specifically entrusted to the Ministerium in this Formula, shall belong to the Synod." Section VIII prescribes the order of business in the Ministerium.

Chapter XVIII is entitled "Examination and Licensure of Candidates." The examination shall be in charge of an examining committee and shall, it is recommended, be before the whole body of the Ministerium. But intellecual attainment alone is not to be the subject of examination as the Ministerium is directed not to license any one who is not "hopefully pious." The ceremony of Licensure is prescribed in Sections Five to Eight. The candidate is pledged to a belief in the "Scripture of the Old and New Testament to be the word of God and the only infallible rule of faith and practice"; to a belief that the "fundamental doctrines of the word of God are taught in a manner substantially correct in the doctrinal articles of the Augsburg Confession," and to the faithful performance of all duties enjoined upon him by this Formula and to the submission of himself to the rules of government and discipline of this same Formula, so long as he remains a member of a Lutheran Synod. Licenses may be extended from year to year and may be withdrawn if the holder, after a period of probation, proves himself unqualified for the ministry.

Chapter XIX provides for "Ordination." This ceremony

may be performed either at the meeting of the Ministerium, or in the church to which the individual has been called, the ceremony being performed by the Special Conference, or a Committee appointed for the purpose by the President of the Synod. Section II prescribes the ceremony which is much like that of Licensure with some additional questions concerning a purpose faithfully to prosecute the ministry. If the ceremony has been performed in the church to which the individual has been called, the ceremony of installation of the latter to his ministry shall follow.

Prescriptions for "Installation" are included in Chapter XX, under three sections, a distinction being made between a minister who has just been ordained in the presence of the congregation, and one who has previously been ordained.

A postscript is added which says,

> As different Synods might differ in opinion relative to matters of a minor nature, so many particulars only as are necessary to general uniformity, and harmony of operation among the churches, were introduced into this Formula. Each Synod adopting this Constitution, has power to form such by-laws as may seem proper to itself.

Thus was completed the *Formula for the Government and Discipline* of both congregations and synods as the General Synod was led to believe was right and proper. Of this view concerning the Constitution of Synods—Chapters Eight to Twenty—the words of the General Synod itself through its *Pastoral Address* are valuable.[116] These are—page 17—

> Concerning the Constitution for Synods adopted at this meeting, we would remark, that it is truly Lutheran in its character; being in substance little less than a condensed and systematic view of the old Constitution of Pennsylvania and that of New York which is chiefly a translation of the former. This plan was adopted for two reasons, because those instruments most fully met the views of the General

116 *Minutes*, 1829: 15 ff. S. S. Schmucker was the author of this *Address.*

Synod, and because the substantial adoption of those venerable constitutions would naturally remove all obstacles to the reception of this constitution by all the different Synods of our Church. Then would we have one uniform, efficient, yet liberal system of church-government, by which we cannot but believe the prosperity of our Church would in a high degree be promoted. But if any Synod is unwilling to adopt the Formula for individual churches, our next wish is to unite in adopting the remaining parts of the entire system, namely the Constitution for Synods and the General Synod. And, finally, if any Synod should prefer not adopting the Constitution for Synods, as good Lutherans we do not object, for we are perfectly willing to join in the *General Synod,* those whose individual regulations in their Synod and churches differ from ours.[117]

117 But this was in content and not in form.

CHAPTER V.

CONCLUSIONS AS TO THE PRINCIPLES UNDERLYING THE DEVELOPMENT OF THE SYNODICAL POLITY OF THE LUTHERAN CHURCH IN AMERICA, TO 1829.

With the inscription of the Constitution of the Ministerium of the Evangelical Lutheran Church of North America —the Ministerium of Pennsylvania—in the Protocol of that body in 1781[1] the formal and definite beginning of synodical organization may be said to have begun. What organization was in effect before that time, while important and fairly well known, must be accounted of less importance than the organization based on the Constitution. With the more definite knowledge which is available after 1781 a study of conclusions as to principles underlying the development of the synodical polity in the Lutheran Church in America, to 1829, is in order. However, due attention will be given to such points of development made prior to 1781 as will be necessary for a proper estimate of all the factors involved.[2] In addition to this some care will be taken to show what relation existed between the development of the organizations and changes and movements in general social life.[3]

CONCLUSIONS CONCERNING THE PRINCIPLES UNDERLYING THE DEVELOPMENT OF THE *Distric* SYNODICAL POLITY IN THE LUTHERAN CHURCH IN AMERICA, TO 1829.

It has been shown[4] that Muehlenberg was active and most

1 The written Protocol of the Ministerium begins with the year 1781. See *Doc. Hist.*, III & IV: 163 ff.

2 This whole matter is, of course, set forth in Chapter II. Here the interest is only in conclusions, on the basis of the details given there.

3 Humphrey, *Nationalism and Religion in America, 1774-89*, Intro., espec. 10 & 11.

4 Chapter II *supra*.

anxious to promote an organization of congregations which would both serve and control the constituent units.[5] In this he was successful, founding the Ministerium of Pennsylvania in 1748. By 1781, if not before, the Ministerium is known to have become a fairly well-organized but hardly an efficient body. It was the only synodical body in the Lutheran Church in America at that time. What the plan of organization and the principles involved were have been shown above in detail. For the present purpose it is enough that its chief features be set down.

It was a Constitution of the Ministerium of the Evangelical Lutheran Church in North America; the Ministerium was a fraternal association of Lutheran *ministers*. Accordingly the provisions of the Constitution paid special attention to the relations of ministers to the association. Yet it was said that every meeting was "a Synodical Meeting." Herein is the difficulty of fully understanding the organization. It was called a "Ministerium," yet it performed the functions of a "Synod."[6] It had control over the ministers in membership and through them over the congregations which they served. The relation of the ministers to the body was one of subordination, accommodation, and respect. Lay-delegates were to be present at the meetings but they had neither seat nor vote, being present in merely an advisory capacity. A safe conclusion is that the body was not a "Synod" in the full sense, but it was an approach thereto and constituted the first step toward true synodical organization. In so far as the relation of the ministers was concerned there was presbyterial organization and authority. By reason of the lack of lay representation it cannot fairly be said that the polity of the body was "presbyterian," in the accepted sense of that designation. It was rather a body under ministerial domination, if not actual control.

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5 *Minutes of the 145th Annual Convention of the Evangelical Lutheran Ministerium of Pennsylvania and Adjacent States,* (1892): Appendix, 12 & 13 and espec. footnote on page 12.

6 *Ibid.,* 10 & 11—"The Office of Synods."

The organization of the ministers was powerful in its authority over the ministerial members, but there was complete parity among these, no authority being exercised by any single individual except by delegation from the body.[7] The first formal and recognized body was not organized in a way finally acceptable, nor is there evidence that principles of organization had ever been clearly defined or accepted. It was experimental; it was tentative.

In the years immediately following the adoption of this plan of organization, momentous changes in political and social ideals were to take place. The first political organization may be looked upon as having come out of the movement toward Independence following which there was not immediately evolved a certain plan of organization designed to take the place of the old authority of King and Parliament. The period of the Confederation in the political life of the country was notoriously a period of lack of efficient organization, and absence of any well-accepted theories of organization. So it was in the Lutheran Church. But when Independence was fully achieved, when men's minds turned to attack the problem of better and more efficient ways of control, the activities of the time were reflected in church organization and government. The Methodist Episcopal Church was organized on a national scope in 1784;[8] the Protestant Episcopal in 1785;[9] the Presbyterian Church was reorganized into a stronger general body in 1788,[10] the first General Assembly meeting the next year.

The spirit of Democracy was coming to be the dominant spirit and state and federal constitutions were being shaped accordingly. Every one of the churches organized or reorganized at this time had to take account of the *Zeitgeist.*

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7 *Ibid.*, 12.
8 Buckley, *A History of Methodists in the United States*, 242.
9 Tiffany, *A History of the Protestant Episcopal Church in the United States of America*, 344.
10 Thompson, *A History of the Presbyterian Church in the United States*, 65.

This was not without its effect upon Lutheran Church organization.

Two sons of Father Muehlenberg had risen to prominence during the days of the struggle with the mother country and both were prominent in the days of the building of the nation. F. A. C. Muehlenberg sat as Chairman of the Pennsylvania Convention at which the Federal Constitution was ratified and he became the first Speaker of the National House of Representatives. Peter Gabriel Muehlenberg had risen to the rank of Major General in the army of the United States and was active in politics until his death. Both were ardent supporters of a strong Federal Government but also of the idea of Democracy. Both had been ordained and were active Lutheran pastors when the War began but neither exercised his office after the War, although both remained as active lay-members of the Church throughout their lives.

The congregation in Philadelphia to which both belonged began the movement toward lay participation in the meetings of the Ministerium of Pennsylvania, the result of which was a revision of the Constitution in 1792.[11] But before this, in New York, the spirit of the times had worked upon the founders of the New York Ministerium so that they provided for lay participation in synodical conventions. Yet the Constitution of the Ministerium of Pennsylvania of 1792 may be taken as the first important evidence of the influence of the political and social ideals of the day and age upon Lutheran Church polity.[12]

This Constitution has been described in detail above so that it is necessary here to point out only the important features. In addition to the notable change in the inclusion of lay-delegates as regular members of the synodical convention, the scope of the organization was restricted to "Ger-

11 *Minutes*, 1892: Appendix, 13, footnote.

12 *Ibid.*, 13—"The close connection of the revision of our synodical constitution with the contemporary work of constitution making and revising by the civil government, is interesting and important."

man" Churches in "Pennsylvania and Adjacent States." Lay control is, however, guarded against in that there were never to be more lay-delegates voting than were voting clergymen present. Lay representation is not required, while that of the ministry is required. To preserve somewhat of the former prerogatives of the Ministry a "Ministerial Meeting" was provided for at which matters concerning ministerial rank were cared for, lay-delegates not being present.

The Constitution of 1792 was a well-considered and carefully constructed document and continued in force, with but few changes and these of little importance, until 1841. The Constitution of the New York Ministerium and of all the other earlier Synods were copied from it and it stands as one of the most important papers in American Lutheran Church history. Under it the synodical polity of the Ministerium can properly be said to have become presbyterial in all essential points.[13] This appears to be easily explained. Aside from the Scriptural authority which the Fathers of the American Lutheran Church attached to this form of government, and they seem to have attached much of it, it was the polity of the strongest, best and most efficiently organized, and most influential church body in America in that day, namely, the Presbyterian Church. In addition to this the Reformed Bodies,[14] to which the Lutheran Church had always felt closest in this country, had the same general

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13 Mann, *Lutheranism in America*, 110 & 11, "What Spener had already aimed at in Germany, and what is truly evangelical, namely, the active participation of the laity in the government of the congregation and Church, our fathers succeeded in accomplishing in the organization of the Lutheran Church in this country. But whilst doing so, they did not, in a genuine Lutheran spirit, lose sight of the difference between the *ordo clericus* and *laicus*, and therefore separated, as a distinct unit, the Ministerium, i. e., that body composed exclusively of regularly ordained ministers, from the other distinct unit, composed of regularly ordained ministers and lay-delegates, assigning to each its special business. This introduction of Presbyterian government was the most significant change experienced by the Lutheran Church at the time of its transplantation from the Old to the New World."

14 Thompson, *op. cit.*, 65-68; Humphrey, *op. cit.*, Chapter 4.

scheme of organization. As the Lutheran theory was that no form was divinely appointed, it was logical to adapt that which experience showed to be efficient and which was nearest to the American ideals of political government. This does not mean that the Lutheran Church was ready to attach the same significance to the system as did the Presbyterians themselves, or that they were thus affected by Presbyterian theological views. It simply means that efficiency and conformity with the political and social ideals of the country were sought and these qualities were found in the presbyterial system.

As time went on, the development of district synodical polity became of greater consequence and wider application. If it followed after that of the Ministerium of Pennsylvania as set forth in the Constitution of 1792 it was by reason of the appeal of common sense and successful operation and not by reason of any force or the dictation of a superior authority. There was no superior authority in the Lutheran Church in America; each synod was independent and was free to seek its own best interests. When a general organization was formed in 1820 for the first time there was established an organization with authority, at least by reason of its prestige, over the district bodies. In 1829 that body adopted a complete system of government and included in that a Constitution for Synods. This Constitution was understood to be suggestive and was heartily recommended to all district synods but it was never required to be adopted by any. It was understood to embody the consensus of the General Synod as to the proper and necessary synodical provisions and so may be taken as the expression of organized Lutheranism of that day with respect to synodical organization. While the Ministeriums of New York and Pennsylvania were not then members of the General Synod the fact that the Constitution embodied their ideas also is testified to by the General Synod itself.[15]

When the contents of this Constitution are brought

15 *Minutes*, General Synod, 1829: 17.

clearly to mind one will have, then, conclusions concerning the development of district synodical polity in the Lutheran Church in America to the end of the period of interest here, 1829. From this it is noticed, in the first place, that a synod shall consist of all the ministers and an equal number of lay-delegates, within a certain district, but that the number of the lay-votes "can" never exceed the total number of clerical votes. In the second place, the Synod is charged with the enforcement of government and discipline upon both ministers and congregations within its bounds and with the reception of appeals from Congregational Councils and Special Conferences, of examining and deciding all charges against ministers, of forming or changing ministerial districts, and of attending to any business relating to the churches which is brought before it. In the third place, the synod has the power to cite before it any church-member within its bounds. In the fourth place, refusal on the part of any congregation to obey the constitution or the resolutions of Synod shall be dealt with by the exclusion of that congregation from the fellowship of the Synod during the time of its refusal. During such time no other Synod and no minister shall take charge of it without the permission of the President of the Synod. In the fifth place, a definite method of entering into Synodical membership on the part of congregations is devised. This is in striking contrast to the former idea that a congregation had membership by reason of its pastor's membership in the Synod. In the sixth place, attendance by ministers upon the meetings of the Synod is compulsory, but excuses may be granted for urgent reasons. In the seventh place, lay-delegates are guaranteed equal rights with the ministers in all business relating to the Synod. In the eighth place, a "Ministerial Session" is provided for at which matters of ministerial rank are cared for. In words reminiscent of the Tenth Amendment to the Federal Constitution it is said, "all business not specifically entrusted to the Ministerium in this Formula, shall belong to the Synod." A number of other

provisions of lesser importance than the ones just given are included, for this was a document intended to exercise wide influence and to have an important place as expressing the fruitage of Lutheran district synodical development. Two of the Synods in connection with the General Synod shortly afterward adopted it and synods later joining the body either adopted it as a whole or in such modified form only as still to conform with the views of the General Synod as they had been expressed in this paper.

By virtue of the limitation of the scope of the Ministerium of Pennsylvania through the Constitution of 1792, evidence of a new alignment or grouping of congregations into synods may be seen. The Ministerium of New York was recognized as an accepted body; promise was given of the compliance of the "Mother Synod" with any future request or purpose to organize other district synodical bodies. At first the organizations were roughly after the political divisions, e. g., the Ministerium of New York, the Synod of North Carolina, the Synod of Ohio.[16] The effect of the political organization of the country seems fairly to be seen in the organization of the church. As each State, at least as the Republicans viewed it, had a certain inalienable independence and constituted a unit of importance in itself, so the congregations in the bounds of these limits grouped themselves together and set up independent and all-sufficient organizations.[17] The Germans of Pennsylvania were

16 But it should be remembered that the Ministerium of Pennsylvania was that of "Pennsylvania and the *Adjacent States*," while that of New York was of "the State of New York and *Adjacent States and Countries*." Later the Synod of *West* Pennsylvania was formed. The Synod of Maryland and Virginia, organized in 1820, divided into two bodies, each comprising the congregations in a single state in 1829.

17 Hockett, *Political and Social History of the United States, 1492-1826*, 222: "Nationalism was as far beyond the ken of the people in 1787 as democracy was foreign to the purpose of the dominant group." 218: The strength of the opposition to the Federal constitution was in the rural and interior parts. The Constitution was the program of the dominant class. 219: Ratification was rushed through the Pennsylvania Constitutional Convention. Anti-Federalism was strong in the State except in Philadelphia and the eastern counties. The delegates of the back-country farmers feared the strengthening of the central government.

inclined toward independence from all centralized points of control. They were later strong Republicans. But some of the leaders, e. g., the Muehlenbergs, were enthusiastic Federalists, though they were also Republicans (Democrats) until the Civil War. The connection between political de-centralization and ecclesiastical de-centralization ought to be clear. The strong sentiment of the Germans for political de-centralization was carried over into the ecclesiastical organization.[18] The Synods, while they increasingly became more powerful and effective in their authority, never attained, during this period, to the effectiveness of the Presbytery as the Presbyterians developed it. After Muehlenberg's death there was a general deterioration in fidelity to the Confessional principle and in the efficiency of the Synod, and even of the congregations.[19] Jacobs says,[20]

> Not indifferent to attendance upon synodical sessions, where, for a time, the proceeds of certain European legacies were divided into small shares among those present, the connection of such pastors with the body was otherwise so loose that they were ready on the least provocation to declare themselves independent, and insisted that it was the office of the synod only to give advice, which, at their pleasure, they were free to accept or reject.

It is not to be unexpected that a body that had no general

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18 For the effect of this upon the General Synod, see below, *in loco*. Recall Jacobs' statement as given, pages 63, 4. Note also the following letter of Henry E. Jacobs to A. R. Wentz, September 20, 1924. .... "I was anxious to treat of the Colonial Church in general, and then of the organized forms it assumed, of which that of our own Church would have claimed primary consideration. The patriarch's plans, as he had outlined them, were broken in upon by the Revolutionary War, and, as his descendant, Dr. M. H. Richards, has stated in his article "Ecclesia Plantanda Plantata" (L. C. R. 1889, January) when peace came, he was too old to resume them. The complete organization fell into different hands (F. A. M., J. C. K.; and J. H. H.), that, in sympathy with parallel processes (?) going on in other denominations, sacrificed some of the patriarch's ideals, and formed the basis of our development almost up to the present. Among its chief characteristics was the stress laid upon State organizations, instead of regarding the whole country."

For expansion of church organization of new Synods, etc., see Wentz, *The Lutheran Church in American History*, Chapter 9.

19 *Minutes*, 1892: Appendix, 13.

20 Jacobs, *op. cit.*, 325.

interests failed to command respect and loyal adherence. The Ministerium was without aggressiveness, had no missions and no projects which would call for general interest and service.[21] And so it was with all the district synodical bodies until 1820 when a general organization of the synods was formed. But even after that, while a gratifying increase in prestige and appeal on the part of the synods may be noted, authority was not enjoyed and even in 1856 a recognized authority could write,

> One of the greatest disadvantages under which the Lutheran Church has long labored is that *looseness*.....This looseness has thrown the door wide open to the arbitrary conduct of individuals..... Our Synods, although composed of *clerical and lay* delegates, are only *advisory bodies*. Individual ministers do not appear to regard themselves in duty bound to obey the resolutions of Synod, except they please to do so.[22]

S. S. Schmucker expresses the same views concerning the district synodical organization. In an address delivered 4 October, 1840[23] and printed again in 1852 he gives this expression which may be taken as a matured, deliberate statement of his views. In speaking of the "Primitive Features" of the Lutheran Church, he sets down as the third feature, her government.[24] After quoting Mosheim with approval, concerning his description of European Lutheran Church organization, he says,

> Hence, with the universal acknowledgment of the parity of ministers by *divine right*, they introduced some subordination on the ground of human expediency, and designated those to whom the supervision of certain districts was confided, superintendents, consistorial counsellors, inspectors, etc. In the United States entire parity is maintained, and even the nominal office of Senior Ministerii, is retained by only one out of all our Synods.

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21 *Minutes*, 1892: Appendix 14.
22 Mann, *Lutheranism in America*, 142.
23 *The American Lutheran Church*, 41 ff.
24 Page 52.

Still further in the same discourse he sets down as the sixth feature of improvement, the adoption of a more regular and rigid system of church government and discipline in this country.[25] After saying that the union between church and state in Europe has prevented the established churches from adopting an independent and thoroughly scriptural discipline, he points out the system as adopted by the General Synod, which

> it is believed, contains all the prescriptions of the Saviour and His apostles, and all that appeared most valuable in the systems of the different other churches. The government and discipline of each individual church is essentially like that of our Presbyterian brethren. *Our Synods, also, in structure and powers, most resemble their Presbyteries, having fewer formalities in their proceedings, and frequently couchin gtheir decisions in forms of recommendations.*[26] Our General Synod is wholly an advisory body, etc.

In concluding this point he says,

> This system of government is not yet adopted by all our Synods; yet its general features, with perhaps a greater admixture of Congregationalism, substantially pervade those Synods also, which have not yet united with the General Synod.

It is hardly too much to say that the inclination to the system of Congregationalism was a leading reason why some of these Synods would not unite with the General Synod. Of course, in such the bonds of authority and the prestige of the Synods themselves were loosely drawn.

It is clear from the foregoing observations concerning district synodical organization in the Lutheran Church in America up to 1829 that the district organization developed along presbyterial lines; that the district synod was coming to be a factor of influence in the church life; that for efficiency in administration in congregational and intercongregational matters a comparatively small body, generally confined to a single state or part of a state, had proved itself

25 Pages 66 & 7.
26 Italics mine.

successful and so the plan was usually accepted and continues in effect even until the present. But larger interests also claimed attention and demanded consideration. For these the district organization was not sufficient. A general synodical organization was necessary. To a study of conclusions concerning such an organization attention will now be given.

CONCLUSIONS CONCERNING THE PRINCIPLES UNDERLYING THE DEVELOPMENT OF THE *General* SYNODICAL POLITY IN THE LUTHERAN CHURCH IN AMERICA, TO 1829.

In addition to the problems of the organization of the American churches on national lines which were common to all the churches[27] the Lutheran Church in America had some special problems which can be credited with causing the slow reaction to changed conditions on its part. These were involved in the fact that the Church was largely German-speaking, and consequently was set apart from the general line of religious development.[28] By no means did the Church follow the policy of Muehlenberg and seek to accomplish the Americanization of the denomination as he had considered it necessary to be done, and that speedily.[29] Consequently it accomplished its first general organization, a first effort at organization on a national scope, thirty-six years after the Methodists, and thirty-two years after the plan for the General Assembly of the Presbyterian Church had been completed.

Whereas in 1709 nationalism was far beyond the appre-

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27 These were involved in the general condition of religious torpor which was finally broken in the early years of the nineteenth century and in the political struggles between Federalists and Republicans; aristocrats, at least alleged, against rank democrats; centralization versus de-centralization; broad versus narrow powers for the national government; liberal versus strict construction of the Constitution of the United States. These were the outstanding problems of the time. The same issues were also alive in church organization and administration.

28 Wentz, *op. cit.*, 82, 83.

29 Humphrey, *op. cit.*, 310.

ciation of the great mass of the people,[30] at the close of the second war with England the spirit of nationalism had attained a vigor never before shown. "It pervaded all of the measures of reconstruction which followed the peace."[31] After the accession of the Republicans to the control of the government in 1801 a change began to be effective in their ranks. The party, immediately upon accession, began to give new interpretations to old policies and to undergo a process of nationalization.[32] At this same time an active period of road-building was begun, this to continue for twenty years.[33] The country west of the Appalachian range was being opened up rapidly, Kentucky came in as the fifteenth state in 1792; Tennessee as the sixteenth in 1796, while Ohio, as the first fruits of the provisions of the North West Ordinance, came in in 1802, and Indiana and Illinois followed in 1816 and 1818, respectively. These extensions of the national authority, together with the acquisition of a veritable empire west of the Mississippi, which had been acquired by the strictest of the strict constructionists on very questionable constitutional authority, all together served to call the people to an appreciation of a nationalist position and a national pride. Add to this a national triumph over an old enemy, and a national solidarity and a resultant vision and expression were bound to result.

Monroe's election in 1816 marked the beginning of the so-called "Era of Good Feeling" and with it came a fading into complete oblivion of the bitter party antagonisms of former years.[34] This "Era" continued for the greater part of the two terms given Monroe and an advance was made in establishing good feeling in several phases of life. In 1817, the three hundredth anniversary of the beginning of the Protestant Reformation, gave occasion to the Lutherans to invite other Protestant bodies to join with them in a proper

30 Hockett, *op. cit.*, 222.
31 *Ibid.*, 333.
32 *Ibid.*, 332.
33 Channing, *History of the United States*, 5: 5.
34 Hockett, *op. cit.*, 391.

observance of the jubilee. All of the denominations took some notice of the event and the result was to raise the Lutheran Church in the eyes of others and, what was probably of more importance, in the eyes of its own members. It had a glorious past and a great strength in other lands, why should it be so weak and so little regarded in America? The accomplishment of the union of the Lutheran and the Reformed Churches in Prussia as a memorial to the Jubilee was looked upon in many quarters as the announcement of still more and greater unions of religious denominations. Never had the churches been so close together in fraternal feeling and kindliness.

The Reformation Jubilee in 1817 became one of the chief impulses active in the formation of the first general synodical body of Lutherans in America.[35] This effectively brought to serious and final decision a contemplated purpose to unite the district synods already in existence, and those soon to be formed as the country grew, into some kind of organization so that the Lutheran strength would be conserved, and the desire to form a body of sufficient appeal and inclusiveness to accomplish for the Lutheran Church what was observed as being accomplished for the other important church bodies. It is fair to say that a[36] *practical*

35 Jacobs, *op. cit.*, 351; Spaeth, "Charles Porterfield Krauth and the General Synod up to the year 1859," in *The Lutheran Church Review*, 13: 10.

36 This practical aim on the part of the founders of the General Synod was partially realized immediately but it was in the later history of the organization that it came to be more fully realized. The fact of this later fuller realization is evidence of the correctness of the conclusion here drawn. The genius of the General Synod was in its practical achievements. This was more noticeable and more important after 1869 when the various missionary activities of the Church were brought into close relationship with the General Synod through the system of "Boards." The practical aim, as well as the evident success which attended the efforts in that direction, are all clearly evident when the career of the General Synod is compared with that of the General Council. Practical Christian activity was the chief interest of the General Synod; development along doctrinal, liturgical, and traditional lines made up the chief interests of the General Council. The United Synod of the South occupied a position between the two. When, in 1918, the United Lutheran Church was formed by a merger of these three bodies all of the lines of development coming out of the "Muehlenberg Development" were effectively combined and so conserved.

aim was in the minds of the founders of the General Synod of the Lutheran Church.[37] This goes far to meet much of the criticism that was directed at the organization.

This was also the purpose in the minds of those who drew up the *"Plan-Entwurf."* They said that since the Evangelical Lutheran Church had spread itself over the greater part of the United States, and its members were striving to live together in the spirit of love and harmony, it had become the custom for Synods, or Ministeriums, to meet for the promotion of that end.

> But inasmuch as the number of particular Synods or Ministeriums has increased from time to time, on acount of the wide extension of said church, and the continued and increasing operation of the same will probably lead to the still further increase of the number of Synods and Ministeriums, and this might in the end be the means of bringing about unnecessary and injurious divisions and departures from the end and object hitherto pursued in common by said church; it appears to be the universal wish of the existing Synods or Ministeriums, that a fraternal union of the whole Evangelical Lutheran Church in these United States may be effected by means of a central organization.—*Doc. Hist.*, 541 ff.

Article I proposed that this central union be carried into effect and maintained by an organization to be called *The General Synod of the Evangelical Lutheran Church in the United States of North America.*

S. S. Schmucker was not a member of any of the bodies which deliberated concerning the establishment of the General Synod, but he was present and unofficially active at every meeting from the first. When he later officially entered its conventions and took an active part in its deliberations and projects, it had been established, its organic forms had been fashioned, its aims had been stated. But, in view of his earlier connnection, he was perfectly at home in the organization and fully acquainted with its purposes and

37 Even the Baptists and Congregationalists had general organizations and were observed to be profiting thereby. See Humphrey, *op. cit.*, 343 & 346.

ideals. Inasmuch as he became its chief exponent and remained so for a period of at least thirty years, it will be well to take account of what he has said concerning it and its purposes.[38]

Dr. Schmucker was a constant and fruitful writer over a period of fifty years. In many of his writings, in many places, he explains the purpose of the founders of the General Synod, and the form and theory of the organization. A few of his statements have been selected as sufficient to set forth the views of this important figure. The one most suited for the purpose here is the article, "Gemeinfassliche Bemerkungen ueber die Vereinigung der Lutherischen Synoden in den Vereinigten Staaten."[39] In this he, after noting the fact that opposition is made against the General Synod, proceeds to plead its value as a practical agency for the strengthening of the Lutheran Church, even as a union of component parts has benefitted other church bodies, while such a union is an evidence of brotherly love and fra-

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38 "Dr. Schmucker had been associated with and most deeply interested in the General Synod for over half a century. From its very inception at Baltimore in 1819, until the year of his death in 1874, (sic.) he was present at every one of its meetings, either as a delegate or as a visitor." Anstadt, *Life and Times of Rev. S. S. Schmucker, D.D.*, 230.

"If Mr. Schmucker was too young to be one of the nominal founders of the General Synod, he is entitled to the lasting gratitude of the church for saving it from dissolution." Diehl, "Dr. S. S. Schmucker," in *The Lutheran Quarterly*, 4: 16.

"In the G. S. and its work he took an active part from his entrance into the ministry to the close of his life. Though not a delegate to the body until its third meeting in 1823, he was present in 1819, 1820 & 21. When in 1823 the Ministerium of Pennsylvania withdrew,.... he was very active in the measures taken to prolong its life." B. M. Schmucker, *Pa. College Book*, 155.

"An ardent friend of this General Union of the Synods from its incipiency, he was willing to step forward in its defence, and having been present as a visitor at Baltimore in 1819, when the formation of such a body was first the subject of synodical discussion, and at Hagerstown in 1820, when the constitution was discussed and adopted; present as a member of the body in 1823, and either as a member or visitor at every meeting held since, the writer may, without vanity or presumption, profess to be acquainted with its design, history and spirit, and may ask a hearing in its behalf." S. S. Schmucker, *The Church of the Redeemer*, III & IV.

39 See Bibliography. This was published in 1830. Translation mine.

ternal good-will. To make himself clear he asks and answers three questions. The first is "What is the General Synod?" To this he answers that one can get the surest answer from the Constitution; in the first two Articles one finds clearly set forth what the organization is and whence it arose. It is a body of representatives of Lutheran Synods and nothing else. It is a protection against the attacks of the sects and is an effective agency in continuing, creating and holding the spirit of Lutheranism. It is not so large or powerful as to menace the freedom and independence of the synods, and because the members of the body are not strangers to one another they can trust one another not to work to the detriment of the Church but rather for its welfare.

> From the above-mentioned we see 'that the General Synod is a small body, consisting of fifteen to twenty (if all the Synods unite, thirty) preachers in addition to congregational delegates, which are chosen through the various Synods out of their own members, and are sent to a central point in order to counsel with one another over the welfare of the whole Lutheran Church and to seek to promote the common welfare through good means.'

From the above the conclusion is fairly reached that Schmucker considered the General Synod, first of all, as a practical means to a desirable end.

This is further borne out in the answer to the second question, "What is it good for?" To this

> we answer, this union of Synods promotes the aim for which Christians from early times have formed themselves into congregations and separate Synods, and accomplishes other important, highly worthy benefits, which the single parts could not accomplish for themselves.

In bringing together the scattered parts of the Church it promotes a common feeling and brotherly love; inspiring all the parts of the Church with new courage and zeal, it unites her strength in the advancement of God's kingdom.

> In short, just as the different States of our land have become strength-

ened through Congress, just so shall the General Synod unite the different parts of our Church, encourage them for the good and preserve them in peace. Is it not probable that since the establishment of our united Synod the various parts of the same show far more zeal and courage in the expansion of the Kingdom of Jesus than was the case in earlier times? Must not every one who is acquainted with the history of our Church confess that since the ten years of existence of this Synod more has been done to build up our congregations, to send out missionaries into the back country, to prepare Godly, inspired men for the holy work of preaching, than had happened in the forty years previous?

Again, the union prevents many unnecessary expenses for the congregations. This is in the matter of the prevention of the multiplication of books for use in the churches. Other important advantages of the General Synod could be brought forth but space does not permit, so he asks the third question, "What harm can it do?" To this he answers that since the General Synod has nothing to do with individual preachers it cannot press the consciences of either them or their congregations; the General Synod cannot coerce a Synod, it can only advise it to follow a particular course, and if the Synod does not obey it can only shut it out of the union. To the contention that the General Synod could rob its members of their worldly freedom and burden them with taxes, the answer is given that the constitution of the United States protects the members, and the intimation is that it is absurd to think of such a thing. In any case, the fact that the General Synod is made up of the same people who are known in their communities and are close to those who raise such objections is enough to make the objection of no weight.

In 1866 Schmucker expressed the same views concerning the purpose in the organization of the General Synod.[40] He said,

the original design of the General Synod of our Church, in this country, was to effect a fraternal union or confederation, of limited

40 *Church of the Redeemer*, Dedication, vii.

and advisory powers, between all the Lutheran Synods then existing in our country.

The purpose of the organization of the General Synod is accordingly set down as a practical effort to conserve the Church and to promote its growth and influence.[41] True, certain elements in the American Lutheran Church of the day could not appreciate the importance of the need of such an organization and so were opposed or indifferent to its success. Most unalterably opposed to it stood the Tennessee Synod. Sufficient has been said above to explain its position, but the question remains as to why this was assumed. The answer seems to lie in the character and outlook of the men of that Synod. They were, for the most part, self-educated men of narrow outlook. Living in the back country they were easily led to narrow their views, and to fail to appreciate the lines of development and the new tendencies in the nation at large. Further, they were theoretical in the position and not at all practical. They would not yield on what they considered a point of importance theologically for any amount of practical advantage. The men of the Ministerium of New York, on the whole, were provincial and indifferent to the larger appeals and unconcerned with matters apart from their own immediate vicinity. In the Ministerium of Pennsylvania many viewed the

41 The matter is no better summed up than in the following: "As the church began to diffuse itself over a more extended territory, and the number of District Synods was increased, the propriety of forming some central bond of union was often discussed. The conviction, from year to year, deepened among those who were interested in the prosperity of the Church, that a step of this kind was necessary, in order that injudicious divisions might not arise, and that more general uniformity in the usages and practice of the Church might prevail. Our best men felt that the occasional intercourse of the District Synods, through their representatives assembled in General Convention, would secure to the Church great advantages and impart increased strength and more efficient action to all these enterprises, in which concentration is so essential to success. This is the origin of the General Synod, which forms a new epoch in our history and has been a great blessing to the Church."—"The Evangelical Lutheran Church in the United States of America," in the *Evangelical Quarterly Review*, 20: 121.

General Synod as a necessity, in fact the movement for its organization began in this party in the old Ministerium, but these yielded for the sake of peace and the welfare of the Ministerium to the demands of what was indeed a majority who were averse to the General Synod. These latter were influenced by their political ideas which were always opposed to centralization of control and authority.[42] The Synod of Ohio remained outside of the General Synod largely because as a frontier body it had its own immediate problems and cared for little else. Also, that the Mother Synod withdrew, after having effected the general organization, had a powerful effect upon this young body.

On the other hand, within the General Synod, or sympathizing with its purpose even while outside of it, were the more progressive, though not always wise, elements which profiting by the observation of the success of other church bodies through organization, and participating in the spirit of the times, actively urged the formation of the body, and having seen it organized labored to continue its life.[43] Their idea was to organize, unite the parts of the church, forgetting for the moment theological and other difficulties, for the greater end in view. Internal adjustment and readjustment they would reserve for the future.

But what was the authority given to the General Synod at its organization and in what way, if any, was this increased before the end of the first decade of its history? The theory underlying the matter was that the General Synod was to be only the organized expression of the constituent synods and so was to have only such authority as the synods uniting chose to give it. In the Constitution the powers thus committed are clearly set forth.[44] And they were such

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42 The political views of the "Pennsylvania Dutch" at this time, of which class a great proportion of the members of the Ministerium of Pennsylvania were counted, are well stated in Channing, *op. cit.*, 5: 369-71.; C. P. Krauth, "The General Synod," in *The Lutheran and Missionary*," May 3, 1866.

43 Spaeth, *op. cit.*, 14.

44 See above, page 153 ff.

that the consensus of opinion is that the General Synod was only an advisory body.[45]

It has already been pointed out[46] that Rev. Shober of North Carolina, at the meeting in 1819 presented a plan "resembling, in many respects, the Constitution of the General Assembly of the Presbyterian Church." This "was submitted by him to the Synod, and constituted the basis of the discussions, held on the subject." The Plan was submitted to a committee who later reported it, considerably modified, "the objectionable points were stricken out, and some of the prominent features of the Congregational system introduced."[47] As the years went by the advisory powers became more effective but they remained only advisory and were thus really limited. Conformity to actions could be forced, if at all, by the threat of or actual withdrawal of fellowship with the offending synod. In this respect it was Congregational rather than Presbyterian.

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45 Mann, *Lutheranism in America*, 35: "The General Synod..... is not a legislative, but rather an advisory body for the church." Schmucker, *The Lutheran Church in America*, 67: "Our General Synod is wholly an advisory body, resembling the consociations of the Congregational Churches in New England." Schmucker, *Church of the Redeemer*, 178: "Exercising the liberty allowed to all Churches in things not defined in the Scriptures, the Churches of the General Synod of the Evangelical Lutheran Church have adopted three forms of associated government, namely: the Council, District Synods, and, lastly, the General Synod..... Its powers are chiefly *advisory*, and its principal duties are to inspect the ministers (sic. minutes (?)) of the District Synods, in order to exert a favorable influence on the Church at large." *Ibid.*, 182: "In 1827, the General Synod appointed a Committee to prepare a Constitution for the Government and Discipline of the District Synods. These two, together with the Constitution of the General Synod, constitute *a complete system of government and discipline* of the Scripture standard. The General Synod is in most matters an advisory council, although in regard to several specified cases, it may act as a court of appeals, and exercise more active powers. It is probable that, in accordance with the original design of the Plan of 1819, stronger powers will be conferred on it by the revised constitution, to be reported at the next meeting of the body, [This was in 1868, and then the Constitution as greatly amended was adopted and sent to the various district synods for decision], in order to secure greater uniformity of the books and forms of public worship."

46 Page 148, footnote 9.

47 "Our General Synod," in the *Evangelical Quarterly Review*, 5: 240.

At first the General Synod had existence only in the actual gathering of the delegates, and while they sat in convention. Until 1835 the minutes or proceedings are of the specified *General Synod;* beginning with that year they are for the specified Convention of the General Synod. This is easily to be understood. At first, and before there were developed the lines of activity the business of the body was confined largely to deliberations in convention. But when activities and interests were multiplied the officers and committees came to represent the body even between conventions. Definite constitutional recognition of this state of active existence between conventions seems to have been made however for the first time in the Constitution adopted in 1869 in which the "Boards" are established.[48]

It is evident that the General Synod was an important factor in the life of the Lutheran Church in America after 1820.[49] However, it remains to attempt a more definite appraisal of its importance and influence. In this connection it should be noted that its organization made possible the independence of the Lutheran Church in this country.[50] It made possible the conviction that the way was open and the force available to cut loose from European influences and ways. An American Lutheran Church was assured for

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48 The United Lutheran Church in America has constitutional provision for an Executive Board also which carries on the work of the Church authorized by the Bi-Annual Convention. "It shall be the duty of the Executive Board to represent The United Lutheran Church in America and to carry out its resolutions and attend to its business during the interim; it shall co-ordinate the work of the executive departments, receive reports as to the work and needs of the several boards, present a budget to the Convention with apportionments, fill vacancies not otherwise provided for, and perform such other work as may be delegated to it by the general body, to which it shall make full report of its acts."—*Constitution of the United Lutheran Church in America*, Article XI: Section 3. The activities of the Executive Board have several times been called into question. If the Executive Board comes to assume powers not subject to approval of the Convention the original idea in the formation of the General Synod will be entirely given up, and the theory underlying the Constitution of the United Lutheran Church will be disregarded.

49 Kline, "The Genesis of the General Synod," in *The Lutheran Quarterly*, 49: 55 ff.

50 Wentz, *op. cit.*, 109 & 10.

America! The rationalizing and unionistic influences from abroad and from some quarters at home could now be met and defeated. In the eyes of churchmen of other denominations the Lutheran Church was now able to assume a new position of dignity and distinctness which was fruitful in later greater prestige and power. It was American in its organization and that meant much.[51]

But the General Synod not only did much good for the cause of the Lutheran Church in America, it also did not do evil as its opposers had predicted.

> Thirty-three years have elapsed since the formation of the General Synod, and the sequal has shown that its pious founders did not overestimate its importance, or the advantages that would result from its operation. Time has proved the excellence of the institution, and has fully satisfied almost all, who were hostile to the union, that the fears they entertained were groundless, and that the charge of encroachment on the rights of the individual synods was altogether gratuitous.[52]

Opinion had prevailed among some that the General Synod

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51 C. P. Krauth well sums up the matter in *The Missionary* for April 30, 1857, thus: "When the General Synod became completely organized, ... it was the only *voluntary* body on earth pretending to embrace a nation as its territory, and bearing a Lutheran name in which the fundamental doctrines of Lutheranism were the basis of union. The General Synod was a declaration on the part of the Lutheran Church in America, that she had no intention of dying or moving—that she liked this western world and meant to live here." See also Jacobs' oft-quoted estimate, *op. cit.*, 361 & 2. Wentz, *op. cit.*, 111, 2, "Thus the Lutheran Church in America was provided with a general organization, which, like that of the national government, was destined to grow in power and influence with the passing of the years. That it should have come into being in this period of our history is easily understood. It paralleled the movement in the life of the nation..... As Washington and Jefferson and particularly Monroe had broken European bonds and announced to the European nations that our national policy was 'America for Americans,' so the organization of the General Synod proclaimed to the religious world that the Lutheran Church in this country had reached its majority and announced the policy of the 'Lutheran Church for Lutherans.' One was not more significant than the other. Both were the outgrowth of the same spirit, the rising American spirit of independence and enterprise."

52 "Our General Synod," in the *Evangelical Quarterly Review*, 5: 239. In this year the Ministerium of Pennsylvania returned to membership in the General Synod.

would be an ecclesiastical tyrant. Malicious misrepresentations were published and dolorous predictions were uttered. By 1853 opposition had almost entirely subsided. "It has proved a great blessing to the Church. From its influence the happiest results have flowed."[53]

However, it must not be thought that it was numerical strength of the General Synod in the days of its infancy that made possible its recognized influence for good. Numerically it was weak. Comprising, as it thought it did in 1823, all of the congregations in America with the exception of the few congregatons in the Tennessee Conference, it claimed to have

> near nine hundred churches and about 175 ministers. Our church, which was originally embraced in two independent Synods, has spread over so extensive a portion of the United States, that at present we have 5 Synods, and shall shortly have several more.[54]

In 1829[55] the first elaborated statistical report was published. How numerically weak the General Synod was is to be seen from this. Of the nine synodical bodies in the Lutheran Church in America at that time, only three were in full membership with the general body; of the 44,998 communicants reported, only 12,611 were of the Synods in membership with the General Synod.[56]

Its influence was rather in the unified front presented,

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53 *Ibid.*
54 *Minutes*, 1823: 9.
55 *Minutes*, 1829: 19-29.
56 While the returns on this report are incomplete for all the Synods it would seem that they are most incomplete for those Synods in membership with the General Synod. But it is entirely likely that a full report would have shown approximately the same proportion. A comparison with the numerical strength of the General Assembly of the Presbyterian Church is interesting. In 1820 the communicants of this body numbered 72,096 in over 1299 churches, which were supplied by 741 pastors and 108 licentiates—three Presbyteries sending no report. In 1830 the communicant membership was 173,329 in 2158 churches, ministered to by 1491 ministers and 220 licentiates.—Thompson, *op. cit.*, 93. "In 1829 there were 123 ministers in Synods not connected with the General Synod, and 74 within it. In 1834 out of 60,971 communicants the General Synod had 20, 249, and the Ministerium of Pennsylvania 26,882."—Jacobs, *op. cit.*, 363.

and the fact of its being a combination of elements from different sections of the country, and representing different interests. Further, the very claim that it was a *general* body added weight to its position, and gave it a certain appeal and prestige. Still further, with the exception of the attitude of the Synod of Tennessee, the synods which did not have membership did not quarrel with the General Synod but rather showed the friendliest relations and by 1853 all were in full membership except the Synods of Tennessee and Ohio. Though not united in form of organization the various synods, always excepting Tennessee, were very close together in view-point and practice.[57] The General Synod, by reason of its organization, capitalized this general agreement, and exercised a great influence.

Its influence was further advanced out of proportion to its numbers by reason of its practical achievements. The most notable of these, to the end of the period considered here, was the establishment of a theological seminary which rapidly came to dominate the field in the Lutheran Church and to contribute much to the growth of the General Synod and the spreading of its ideals. This seminary was opened in 1826 and had as its single professor, S. S. Schmucker, who was elected to this important position in 1825. It is clear that with Schmucker in charge of the Seminary the interests of the General Synod would be well cared for.[58] A study of the *Minutes* of the General Synod, 1820-29, reveals many forward-looking activities and propositions, all of which latter did not materialize. But the General Synod did accomplish such important things as the establishment of a "Committee of Foreign Correspondence," whereby the Church got into touch with the Church in Germany, it entered into co-operation with such general societies as the American Bible Society and the American Tract

57 *Cf.* Spaeth, *op. cit.*, 13; Krauth, in Spaeth, *op. cit.*, 14-16; (this quoted article was in the *Lutheran & Missionary* for May 3, 1866, "The General Synod.')

58 A second professor was installed in 1830. See Wentz, *History of the Gettysburg Seminary, 1828-1926.*

Society, it deliberated on matters of practice and recommended uniformity, and, what is most important for the subject here, it developed a complete system of Government and Discipline, adopting this in final form in 1829.

FINAL CONCLUSIONS.

From all the foregoing it should be clear that the period under consideration (1781-1829) was a period of slow growth and painful development in the realm of synodical polity in the Lutheran Church in America. Before 1781, under the leadership of Muehlenberg, a beginning had been made in this respect but it was a mere beginning. Into the hands of those who came after was delivered the heavy responsibility of organizing the Church so that it would be a permanent feature in American life and be a real part of that life. That the movement was slow is not to be regretted when it is noted that a successful and acceptable system, on a sound Scriptural basis and compatible with American ideals, was eventually evolved. Conditions being as they were in the Lutheran Church, it could hardly be expected that the evolution would be rapid. The use of a foreign language, the continual addition of foreign-speaking and foreign-thinking pastors and people, the lack of complete acquaintance and trust in the ideals of the new nation, the social position of the membership of the Church—all these contributed to slowing up the process of building a strong organization, and of entering heartily into the spirit of the times and the place.

But the desired result was at last accomplished and if it was slow in coming, it at least was approached wisely. For the same spirit which animated the Fathers of the Church in this country also moved their successors. This was the spirit of *Eclecticism.*[59] Proceeding on the accepted Lutheran theory of church polity they adopted whatsoever

59 Schmucker, *The Lutheran Church in America*, 118 & 9.

they thought good, no matter what its origin or who its sponsor; they discarded what they thought to be wrong, no matter what its traditional authority or earlier wide practice.

When it is kept in mind that the framers of the principles of the synodical polity—and the same may also be said of the doctrinal position assumed—were pioneering; that they were confronted with conditions new for the Lutheran Church, meeting these conditions under adverse circumstances, it is to explain a great deal of the weakness, laxity, and mistaken practices charged against them. To expect these framers to evolve such a system and to institute such practices as bodies and groups later evolved and instituted, and to make the failures in these respects the basis for hypercritical attacks upon their wisdom and Lutheranism, is to be unhistorical, as well as unfair. These framers laid the foundations; they made the mistakes which others coming later could avoid, and thus build strongly upon the foundations. When the later almost overwhelming Lutheran immigration from Northern Europe poured into the United States, well it was that the experience before 1829 had been lived through.

Another general conclusion, but this a negative one, is that it does not appear from the sources studied that the influence of the frontier, so potent in affecting American institutions, had a *direct* effect upon the development of the synodical polity of the Lutheran Church before 1829. This does not, however, ignore the effects and influences of the first frontier or even of later frontiers *indirectly* upon the matter here studied.[60] Nor does it ignore both the direct and indirect effects of the frontier upon the Lutheran Church in other respects. The Church grew and was influenced by the Westward Movement. But, up to 1829, the western sections of the Lutheran Church were not import-

60 The refusal of the Synods of Ohio and of Tennessee to support the General Synod was partly due to the effect exerted upon them by the frontier life and spirit.

ant, either in point of numbers or influence. The synodical polity developed under the leadership of eastern men to meet eastern needs. In the practice of *Eclecticism,* however, the influences of the earlier frontier life and spirit as these affected the various forces which contributed to guide the Lutheran organizers should not be forgotten. But they are not the subjects of consideration at this point.[61] It must be remembered that whatsoever was *Lutheran* at first was purely *European,* and as such, of course, had to be adapted to the new life in America. The influence of the West upon the Lutheran Church generally was to come in the years following 1840. After that time the western section of the Church began to be of greater importance and influence. Much of this influence was to be *American,* of the frontier; much, on the other hand, was to be *European,* brought with those who came in 1840 and afterward. Of this latter influence there remained, and remains to the present much that would not be adapted to American life. Such, however, was not the spirit of Muehlenberg, nor of the great division of the Church which looks to him as its founder.

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61 But see Chapter II. and on the whole subject, Mode, *The Frontier Spirit in American Christianity.*

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The sources from which the materials for this dissertation were drawn are to be found mainly in the Library of the Lutheran Historical Society which is in the main building of the Lutheran Theological Seminary at Gettysburg, Pa. The materials in this valuable collection are fairly accessible. The kind of material found to be most useful and important for this work was the collection of printed minutes, constitutions, and other documents of the various district synods and of the General Synod. The hand-written protocol of the General Synod, in complete form, is deposited there, as well as a valuable collection of manuscript letters, reports, etc. This Library is undoubtedly the most important and most complete depository of American Lutheran historical materials in existence. Its periodical file is virtually complete.

Another important depository, and one which has been employed in this work, is the Krauth Memorial Library at the Lutheran Theological Seminary at Philadelphia. Here is kept the valuable Archive Collection of the Ministerium of Pennsylvania. This is carefully catalogued and arranged. Inasmuch as the really important and unique materials in these Archives are for the period prior to the chief interest of this dissertation this Collection was of little practical value to the writer. For the later period what is of greatest value was also to be found at Gettysburg.

In addition to the Library of the Historical Society the Library of the Theological Seminary at Gettysburg was most useful for its supply of secondary works, files of periodicals, encyclopedias, etc.

Much manuscript material of the highest importance for the history of the Lutheran Church in America for the period here considered is doubtless to be found scattered in many places. The above depositories represent the only important places for the gathering and the safe preservation of such, however. As for printed materials of primary character, the Lutheran Historical Society has been entirely adequate and sufficient, representing as it does the most complete collection of such materials to be found anywhere.

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